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THE LIFE  
OF  
THOMAS JEFFERSON.

BY  
HENRY S. RANDALL, LL. D.

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"THOMAS JEFFERSON STILL SURVIVES!"  
*The Last Words of John Adams.*

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IN THREE VOLUMES.  
VOL. II.

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PHILADELPHIA:  
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# LIFE OF JEFFERSON.

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## CHAPTER I.

1791.

Signature of the Bank Bill—Jefferson's Reports to Congress—The President's Southern Tour—Jefferson's Letter to J. B. Smith, and the Resulting Controversy with Mr. Adams—Jefferson's Letter to Washington on the Subject—To Colonel Monroe—To Mr. Adams—Mr. Adams's Reply—C. F. Adams's Allegations of Inconsistency considered (Note)—Jefferson's and Madison's Excursion North—Instructions to Mr. Short—Political Correspondence—Yazoo Claims—Effects of United States Bank Speculations—Jefferson visits Home—Eighteen Letters to his Daughters—His return, and the Meeting of Congress—Reports to Congress—Report to the President on English and French Commerce—His Views on Constitution of Virginia—Practice of keeping his "Ana" commenced—The Charges against this Production considered—Reasons for writing it—Did it involve a Breach of Confidence?—Fairness of Posthumous Publications of this kind—Reasons for revising and leaving it for publication—Judge Marshall and his Life of Washington—Its bearing on the Republican Party, and on Jefferson—The Ana intended as a Defence against it—The Right to employ the Testimony adduced—Avoidance of irrelevant Personalities—Compared with similar Productions in this Particular—The Duty of Mr. Jefferson's Biographer.

PRESIDENT WASHINGTON's signing of the Bank Bill, did not abate Mr. Jefferson's confidence in him, or change their relations in the least degree towards each other. The latter wrote to Colonel Innes, of Virginia, March 13th, 1791 :

"I wish you would come forward to the federal Legislature and give your assistance on a larger scale than that on which you are acting at present. I am satisfied you could render essential service; and I have such confidence in the purity of your republicanism, that I know your efforts would go in a right direction. Zeal and talents added to the republican scale will do no harm in Congress. It is fortunate that our first executive magistrate is purely and zealously republican.

We cannot expect all his successors to be so, and therefore should avail ourselves of the present day to establish principles and examples which may fence us against future heresies preached now, to be practised hereafter."

During the winter session of Congress (1790-91), the Secretary of State made important reports to the House of Representatives relative to the American Mediterranean trade, to our prisoners in Algiers, to the cod and whale fisheries, and to other topics, for which we must refer the reader to his published Works. Congress adjourned on the 3d of March, 1791.

In April, the President set out on a tour through the Southern States. Informing the Cabinet of the points where their communications would find him, at specified dates, he directed them, if serious questions should arise—of which he thought "the probability was but too strong"—to consult together, and if necessary, notify him to return. But if the heads of departments thought they could legally and properly proceed without the immediate agency of the President, they were authorized to do so. In a "supposed emergency" (which the President's letters do not specifically name), the Vice-President's opinion was to be taken.<sup>1</sup>

In May, an event took place which led to some unpleasant consequences; and it was thus described, at the moment, by Mr. Jefferson, one of the principal actors in it, in a letter to the President:

PHILADELPHIA, May 8, 1791.

SIR,

The last week does not furnish one single public event worthy communicating to you; so that I have only to say "all is well." Paine's answer<sup>2</sup> to Burke's pamphlet begins to produce some squibs in our public papers. In Fenno's paper they are Burkites, in the others, Painites. One of Fenno's was evidently from the author of the discourses on Davila. I am afraid the indiscretion of a printer has committed me with my friend, Mr. Adams, for whom, as one of the most honest and disinterested men alive, I have a cordial esteem, increased by long habits of concurrence in opinion in the days of his republicanism; and even since his apostasy to hereditary monarchy and nobility, though we differ, we differ as friends should do. Beckley had the only copy of Paine's pamphlet, and lent it to me, desiring when I should have read it, that I would send it to a Mr. J. B. Smith, who had asked it for his brother to reprint it. Being an utter stranger to J. B. Smith,

<sup>1</sup> He was consulted during the President's absence; and Mr. Jefferson erroneously mentions it as the "only occasion" on which the Vice-President "was ever requested to take part in a Cabinet question." This shows that the President's consultation of Mr. Adams, in regard to permitting Lord Dorchester's passage across our territories, was not made known to his Cabinet.

<sup>2</sup> That is, his "Rights of Man."

both by sight and character, I wrote a note to explain to him why I (a stranger to him) sent him a pamphlet, to wit, that Mr. Beckley had desired it; and to take off a little of the dryness of the note, I added that I was glad to find it was to be reprinted, that something would, at length, be publicly said against the political heresies which had lately sprung up among us, and that I did not doubt our citizens would rally again round the standard of Common Sense. That I had in my view the discourses on Davila, which have filled Fenno's papers for a twelvemonth, without contradiction, is certain, but nothing was ever further from my thoughts than to become myself the contradicter before the public. To my great astonishment, however, when the pamphlet came out, the printer had prefixed my note to it, without having given me the most distant hint of it. Mr. Adams will unquestionably take to himself the charge of political heresy, as conscious of his own views of drawing the present government to the form of the English Constitution, and, I fear, will consider me as meaning to injure him in the public eye. I learn that some Anglo-men have censured it in another point of view, as a sanction of Paine's principles tends to give offence to the British Government. Their real fear, however, is that this popular and republican pamphlet, taking wonderfully, is likely at a single stroke to wipe out all the unconstitutional doctrines which their bell-wether Davila has been preaching for a twelvemonth. I certainly never made a secret of my being anti-monarchical, and anti-aristocratical; but I am sincerely mortified to be thus brought forward on the public stage, where to remain, to advance, or to retire, will be equally against my love of silence and quiet, and my abhorrence of dispute.

In a letter to Colonel Monroe (July 10th), Mr. Jefferson thus traced the further history of this affair:

"The papers which I send Mr. Randolph weekly, and which I presume you see, will have shown you what a dust Paine's pamphlet has kicked up here. My last to Mr. Randolph will have given an explanation as to myself, which I had not time to give when I sent you the pamphlet. A writer under the name of Publicola, in attacking all Paine's principles, is very desirous of involving me in the same censure with the author. I certainly merit the same, for I profess the same principles; but it is equally certain I never meant to have entered as a volunteer into the cause. My occupations do not permit it. Some persons here are insinuating that I am Brutus, that I am Agricola, that I am Philodemus, etc., etc. I am none of them, being decided not to write a word on the subject, unless any printed imputation should call for a printed disavowal, to which I should put my name. A Boston paper has declared that Mr. Adams 'has no more concern in the publication of the writings of Publicola, than the author of the Rights of Man himself.' If the equivocal here were not intended, the disavowal is not entirely credited, because not from Mr. Adams himself, and because the style and sentiments raise so strong a presumption.<sup>1</sup> Besides, to produce any effect he must disavow Davila and the Defence of the American Constitutions. A host of writers have risen in favor of Paine, and prove that in this quarter, at least, the spirit of republicanism is sound. The contrary spirit of the high officers of government is more understood than I expected. Colonel Hamilton avowing that he never made a secret of his principles,

<sup>1</sup> Mr. Adams's son, John Quincy Adams, was the author of the articles signed Publicola.



yet taxes the imprudence of Mr. Adams in having stirred the question, and agrees that 'his business is done.' Jay, covering the same principles under the veil of silence, is rising steadily on the ruins of his friends."

On the 17th he addressed the following frank and manly letter to Mr. Adams, which, if it sheds no new light on the transaction, deserves examination in this connection for the personal feelings which it displays. It goes to show how far Mr. Jefferson was purposely the aggressor in the bitter contests soon to take place, and in which his name was made to bear so conspicuous a part.

PHILADELPHIA, *July 17, 1791.*

DEAR SIR :

I have a dozen times taken up my pen to write to you, and as often laid it down again, suspended between opposing considerations. I determine, however, to write from a conviction that truth, between candid minds, can never do harm. The first of Paine's pamphlets on the Rights of Man, which came to hand here, belonged to Mr. Beckley. He lent it to Mr. Madison, who lent it to me; and while I was reading it, Mr. Beckley called on me for it, and as I had not finished it, he desired me, as soon as I should have done so, to send it to Mr. Jonathan B. Smith, whose brother meant to reprint it. I finished reading it, and, as I had no acquaintance with Mr. Jonathan B. Smith, propriety required that I should explain to him why I, a stranger to him, sent him the pamphlet. I accordingly wrote a note of compliment, informing him that I did it at the desire of Mr. Beckley, and, to take off a little of the dryness of the note, I added that I was glad that it was to be reprinted here, and that something was to be publicly said against the political heresies which had sprung up among us. etc. I thought so little of this note, that I did not even keep a copy of it: nor ever heard a tittle more of it, till, the week following, I was thunderstruck with seeing it come out at the head of the pamphlet. I hoped, however, it would not attract notice. But I found, on my return from a journey of a month, that a writer came forward, under the signature of Publicola, attacking not only the author and principles of the pamphlet, but myself as its sponsor, by name. Soon after came hosts of other writers, defending the pamphlet, and attacking you, by name, as the writer of Publicola. Thus were our names thrown on the public stage as public antagonists. That you and I differ in our ideas of the best form of government, is well known to us both; but we have differed as friends should do, respecting the purity of each other's motives, and confining our difference of opinion to private conversation. And I can declare with truth, in the presence of the Almighty, that nothing was further from my intention or expectation than to have either my own or your name brought before the public on this occasion. The friendship and confidence which has so long existed between us, required this explanation from me, and I know you too well to fear any misconstruction of the motives of it. Some people here, who would wish me to be, or to be thought guilty of improprieties, have suggested that I was Agricola, that I was Brutus, etc., etc. I never did in my life, either by myself or by any other, have a sentence of mine inserted in a newspaper without putting my name to it; and I believe I never shall.

It will be observed that while this letter disclaims any intention of publicly assailing Mr. Adams, it does not hint at a denial that Mr. Adams was alluded to in the letter to Smith as one of the persons guilty of "political heresies;" nay, Jefferson expressly says: "that you and I differ in our ideas of the best form of government, is well known to us both"—and he speaks as if these differences had been made the subject of conversation between himself and Mr. Adams.<sup>1</sup>

Mr. Adams replied, July 29th, giving "full credit" to the disclaimer—declaring that "the friendship that had subsisted [between them] for fifteen years without the smallest interruption, and, until this occasion, without the slightest suspicion, ever had been, and still was very dear to his heart"—and that he "had not a doubt" Mr. Jefferson's "motives for writing to him" "were the most pure and the most friendly." He declared that he had not, "either by himself or by any other, [had] a sentence of his inserted in a newspaper since he had left Philadelphia"—that "he neither wrote nor corrected *Publicola*."

The letter contained the following paragraph: .

"You observe: 'that you and I differ in our ideas of the best form of government, is well known to us both.' But, my dear sir, you will give me leave to say that I do not know this. I know not what your idea is of the best form of government. You and I have never had a serious conversation together, that I can recollect, concerning the nature of government. The very transient hints that have ever passed between us have been jocular and superficial, without ever coming to an explanation. If you suppose that I have, or ever had, a design or desire of attempting to introduce a government of King, Lords, and Commons or in other words, an hereditary Executive, or an hereditary Senate, either into the Government of the United States, or that of any individual State, you are wholly mistaken. There is not such a thought expressed or intimated in any public writing or private letter, and I may safely challenge all mankind to produce such a passage, and quote the chapter and verse. If you have ever put such a construction on anything of mine, I beg you would mention it to me, and I will undertake to convince you that it has no such meaning."<sup>2</sup>

<sup>1</sup> A letter from Knox to Adams, June 10, 1791 (published in Adams's Works, vol. viii. p. 503), speaks of Mr. Jefferson's note prefixed to Paine's pamphlet. It would seem to us from this letter, that Knox, too, was fully under the impression there was such a difference between Jefferson's and Adams's ideas of government, as the former alleged.

<sup>2</sup> For the letter entire, see Adams's Works, vol. viii. pp. 506-509. On a cursory view, the contents of this letter might appear to clash with the report of the dinner-table conversation between Adams, Hamilton and Jefferson, reported in the *Ana* and quoted by us in vol. i. pp. 633-4. But Adams would be justly entitled to claim that although he thought the British Constitution purged, as he proposed in that conversation, would be "the most perfect one on earth" in theory, he did not thereby express any wish to "attempt to introduce" it into the United States. Again, he denies that they have had any serious con-

The above quotation is given in justice to Mr. Adams, and it shows, if we may credit his assertions, that Jefferson's impressions drawn from Mr. Adams's writings and conversation, that he desired to "attempt to introduce" a hereditary government of "King, Lords, and Commons," into the United States, were not well founded. We confess we are inclined to give full credit to Mr. Adams's assertions. We are inclined to give him the benefit of that distinction between theoretical opinions and actual designs, which it has been sought so unsuccessfully to establish in the case of Hamilton.

Mr. Adams's mention, in the same letter, that (apparently he means to carry the idea in consequence of Jefferson's letter to Smith) Samuel Adams in his "formal speech" as Lieutenant-Governor of Massachusetts, had "very solemnly held up the idea of hereditary powers, and cautioned the public against them, as if they were at that moment in the most imminent danger of them"—that "these things were all accompanied with the most marked neglect, both of the Governor [John Hancock] and Lieutenant-Governor of the State towards him [Mr. Adams]"—that "all together served as a hue and cry to all his enemies and rivals, to the old constitutional faction of Pennsylvania, in concert with the late insurgents of Massachusetts, both of whom considered his [Mr. Adams's] writings as the cause of their overthrow," etc.—that "Mr. Hancock's friends were preparing the way by his [Mr. Adams's] destruction, for his [Mr. Hancock's] election to the place of Vice-President"—that "many people thought, too, that no small share of a foreign influence<sup>1</sup> in revenge for certain intractable conduct at the treaty of peace was and would be intermingled"—we say, Mr. Adams's mention of these things serves to show that a vague allusion in a letter by Jefferson exercised a marvellous influence on the public mind, or else it shows that Jefferson's opinions were very generally shared by the leading Republicans. Which is the most probable solution? We will not cite Hancock's views, or those of the Pennsylvania "faction" alluded to, because Mr. Adams believed these parties were his enemies.

versation together on the subject of the nature of government—that anything besides "very transient hints" have passed between them, etc. Those familiar with Mr. Adams's style of political disquisition, will readily understand that he would not regard anything short of a folio or two, as anything beyond "hints"

<sup>1</sup> That is, French influence.

But had Samuel Adams, whose virtue was even more Spartan than his nerve, officially directed popular prejudice and animosity against his Revolutionary colleague, only on the proof of a bare supposed allusion in a published letter by a third person? Can we suppose that all this banding together against the second officer and man<sup>1</sup> in the nation flowed from such a source? Jefferson's words always fell like a spell on the American ear; but the tracing of such an effect to such a cause, is too wide of the boundaries of probability to receive grave consideration.

In truth, we are not compelled to resort to any strained and unnatural theory of solution. John Adams's Defence of the American Constitutions, and his Discourses on Davila, were as open to other eyes as to Jefferson's. They produced the same impression on the popular party (the men who were to form the Republican party as soon as it organized) throughout the Union. If they were not construed in the like manner by the opposite party, the assurances which Sedgwick gave Hamilton, that Adams had abandoned his earlier political views, must have been based on other and satisfactory evidence! In truth, a perusal of these productions will now show that they could not of possibility have failed to convey the idea to the intelligent men of all parties that the writer had no confidence whatever in democracy, and that at least all his "theoretical" preferences were in favor of a mixed form closely analogous to that of England. If Mr. Adams did not wish to have the spirit of our system directed somewhat in the same channel, by the construction which should be given to our written constitutions, why did he write and publish these voluminous disquisitions?

Again we say we do not believe Mr. Adams sought to change the form of our government. Nor do we believe that he so far sought to change the essence, as to make his adherence to the form a mere pretext to deceive the public; and herein was the difference between him and the Hamiltonians. Yet he undoubtedly would have preferred to give, in the progress of what he considered a fair experiment, a much more consolidated structure to the general government, and a greater preponderance to the executive and senatorial branches than they now possess. Mr. Adams, as we think was usual with him,

<sup>1</sup> Such was unquestionably Mr. Adams's position in the public eye at this moment.

wrote and talked worse than he voluntarily acted; and in his Defence and Davila, foolishly brought on himself the suspicion of being the most ultra of that anti-popular party, when in reality he hardly came up to middle ground among them. We must be understood here and elsewhere to speak of Mr. Adams's opinions in their general or prevailing tenor. If the most exaggerated momentary excesses in other, if not in all, directions were to be taken into account, he could be shown to have believed anything or nothing. This gross inconsistency was superficial. As in the case of all honest men, there was a certain central thread of consistency in his life, which liberal eyes can never be at a loss to find.

On the 30th of August, Jefferson replied to Adams's last quoted letter of June 29th. He expressed his gratification that the latter saw "in its true point of view, the way in which he [Jefferson] had been drawn into the scene"—urging, however, that his note to Smith had not produced by far so important an effect as Mr. Adams attributed to it—that it was Publicola's attack on the political principles set forth in Paine's Rights of Man, that had called forth such a number of replies—and that the bitterness personally manifested towards Mr. Adams had proceeded from the supposition that he was Publicola.<sup>1</sup> And here the correspondence appears to have dropped.

<sup>1</sup> This letter is given entire, and we are bound to presume correctly, in Mr. Adams's Works, vol. viii. p. 509.

One of the sentences in it is as follows: "His [Publicola's] antagonist very criminally, in my opinion, presumed you to be Publicola, and on that presumption hazarded a personal attack on you." The editor of Mr. Adams's Works remarks, in a note appended to the first clause of this sentence: "If this was criminal, Mr. Jefferson probably erred with him. He [Jefferson] attributes one article in Fenno's paper, at least, to Mr. Adams." The editor then cites the letter of Jefferson to Washington of May 8th, already given in this chapter. This, it will be remembered, contains Jefferson's declaration: "one of Fenno's [articles] was evidently from the author of the Discourses on Davila." Mr. C. F. Adams might have also cited the letter of Jefferson to Monroe, of July 10th, in which the latter allegation is made more comprehensive—by, impliedly, imputing all of Publicola's articles to John Adams.

But we confess we do not discover anything in this to justify the impression that Jefferson stood in the same predicament with Publicola's "antagonist," unless it should be made to appear that a private and confidential expression of an opinion bearing against a friend is equivalent to a public charge "presumed" or taken for granted as a fact, in a newspaper, and made the ground of a personal attack! This will hardly, we fancy, pass for a *sequitur*.

Again, Mr. Jefferson said in the same letter to Mr. Adams:

"Indeed, it was impossible that my note should occasion your name to be brought into question; for, so far from naming you, I had not even in view any writing which I might suppose to be yours, and the opinions I alluded to were principally those I heard in common conversation from a sect aiming at the subversion of the present Government, to bring in their favorite form of a King, Lords, and Commons."

Mr. Adams's editor appends the following note to the above:

"But on the other hand is the following, addressed to another person: 'That I had in my view the Discourses on Davila, which had filled Fenno's papers for a twelvemonth, without contradiction, is certain.' Jefferson to Washington (8th May, 1791) in Sparks's

On the 17th of May, Mr. Jefferson and Mr. Madison set out on an excursion to the North. It appears from memoranda of the former, lying before us, that they reached New York on the 19th,

edition of Washington's Writings, vol. x. p. 160, note. Those who are curious in such matters, would do well to compare the tone of the two letters throughout."

This note of Mr. C. F. Adams, like the preceding one, is designed to point out a supposed conflict in Mr. Jefferson's statements to different persons.

We think the interpretation in both cases turns on the same idea. In the first case, Mr. Jefferson said in effect: "Nobody had the right to take it for granted in a public newspaper, that you were Publicola, and to assail you accordingly." In the second, he said in effect: "When I wrote J. B. Smith, I had in view no production which I had the right to take for granted to be yours, and therefore no one had the right to assume that I meant you; but I did have in view certain doctrines heard in conversation," etc.

Can it be supposed that he had any intention of really deceiving Mr. Adams in regard to the mental application of the Smith letter, when in his first communication to him on this subject (July 17, 1791), he substantially admitted that application, first, by not denying it, and, secondly, by informing Mr. Adams that it was well known to them both that they differed in their ideas of the best form of government, and that they had talked about it?

When Mr. Adams accepted his explanation on this basis, what would be the use of advancing to a new and contradictory position?

But no contradiction is expressed, or intended. In the second letter, he still adheres to his original position, that he had made no public attack on Mr. Adams, and had done nothing which authorized others to make such an attack. He does not again impute the doctrines to Mr. Adams which he did in his first letter, because the latter had ostensibly disclaimed them. But he now advances from an admission to the direct assertion that in the Smith letter he did refer to the doctrines imputed to Mr. Adams in the first letter to him! And it will be further remarked that in the last one, he does not withdraw the mental application. He remains silent on that point. He says as much as to say: "I referred in the Smith letter to certain doctrines. It cannot be possible that I caused your name to be brought into question, so long as I had no acknowledged writing of yours in view, and so long as you say (or seem to say) that you have advocated no such doctrines."

Jefferson's aim throughout is to prove that he has neither made nor authorized anybody else to make a public attack on his friend, while beyond this, without denying or really concealing the truth, he makes no blunt or offensive admissions. Perhaps had he understood the ordeal his words were to pass through, he would have been more explicit!

There are few men who have seen much of the world, who have not sometimes stood in analogous positions to the one here occupied by Jefferson, and who do not know how excessively awkward it is to decide just how much and just how little shall be said in extricating one's self from a difficulty with a friend, particularly if the aggrieved party's temper is understood to be very excitable, and very unreasonable when excited. But when it comes to the motive, certainly that man shows a truer friendship who is willing to do all he decently can to remove the difficulty, than he who at once throws himself into an aggressive attitude by those bluntnesses or unnecessary declarations which some regard as necessary to vindicate their courage.

In this very case, we have no doubt that John Adams made a greater effort to keep a troublesome fact out of sight than did Mr. Jefferson. His son (J. Q. Adams), assuming that his father was attacked in the letter to J. B. Smith, was offensively retaliating on Mr. Jefferson, in some articles over the signature of Publicola. Nobody, we think, had any doubt that they came from Mr. Adams, or some one immediately about him. These articles were continued. Is it probable that John Adams did not know their authorship? If we had any doubts on the subject, they would be removed by his declarations to Jefferson, which were as follows:

"And I, with equal frankness, declare that I never did, either by myself or by any other, have a sentence of mine inserted in any newspaper since I left Philadelphia. I neither wrote nor corrected Publicola. The writer in the composition of his pieces followed his own judgment, information and discretion without any assistance from me."

What is not said here is more significant than what is said. Why did not Mr. Adams say that he "neither wrote the articles nor knew who did write them?" To deny knowledge of authorship would have covered the whole ground, and saved all those collateral and special disclaimers. Yet to admit the knowledge, when the writer was his own son, and who, it would therefore be presumed, could be at least stopped by him if the attacks were painful to himself, would be to admit a degree of complicity. Consequently, the above disclaimer is made to wear the appearance of a total disclaimer—so much so, that the party receiving it would not be entitled to ask a more specific one without

Albany on the 26th, Stillwater on the 28th, Fort George on the 29th, Ticonderoga on the 31st, Bennington on the 4th of June, Northampton on the 7th, Springfield and Hartford on the 8th, Guilford on the 11th, New York on the 16th, and Philadelphia on the 19th. His private memoranda of the journey are hardly worth transcribing. Some general description of it will be found in a letter to his son-in-law, Mr. Randolph, which is published without any address in the Congressional edition of his Works (vol. iii. p. 265), and also in one, we shall presently give, to his daughter Martha.

On the 28th of July, the Secretary of State addressed a communication to Mr. Short, in France, remonstrating in firm language against the conduct of the National Assembly in imposing an additional duty on tobacco carried in American, over that carried in French vessels, and making some other unfavorable

betraying unfriendly and offensive distrust. Under the circumstances, the "equivocal" was probably venial, because it contained no express deception, and was the fruit of a good and friendly motive—to obtain a reconciliation with a valued friend. It was simply practising on the rule of "least said soonest mended"—an excellent one, so far as it can be conscientiously carried in those proverbially delicate matters, misunderstandings between friends!

Some gentlemen seem very fond of assuming that Jefferson always had a very particular and interested design in keeping on terms of friendship with John Adams! We agree with these gentlemen in part. We believe that Jefferson was particularly attached to John Adams—that he gave up even political coercion with the Colossus of July 2d, 3d and 4th, 1776, with indescribable reluctance. But on the score of mere personal interest, what favors had he to ask, what to expect from the latter? There is an ingenious theory that some years subsequent to 1791, Jefferson sought to divide the Federalists, by drawing away John Adams from the ultra school, and inducing him to unite with the Republicans. We have no doubt this is true. But was there anything unfriendly or treacherous to John Adams, or improper in itself, in this conduct? The result of it would have been to make Mr. Adams President for two terms—and it would have necessarily delayed Jefferson's accession to the Presidency. But of this more hereafter.

We are pleased that Mr. C. F. Adams called attention to a comparison of "the tone of the two letters throughout" which Jefferson wrote Washington May 8th, 1791, and to John Adams, August 30th, 1791. Herein he but anticipated us. In that comparison will be found a more unmistakable explanation of Jefferson's private feelings towards the latter, than can be derived from any other source at that precise moment. Washington, we believe, was never suspected in his confidential circle of being at all partial personally to John Adams. At least such was Jefferson's belief and his declaration. When, therefore, he wrote General Washington that he was "afraid the indiscretion of a printer had committed him with his friend Mr. Adams, for whom, as one of the most honest and disinterested men alive, he had a cordial esteem, increased by long habits of concurrence in opinion in the days of his republicanism," etc.—we say when he wrote this, we have every reason to believe we get at his true feelings. We have not observed, at any rate, even any wire-drawn theory to prove what super-Jesuitical scheme Jefferson could have had in deceiving Washington in this particular, in a letter which he knew would be treated confidentially.

We will venture to extend Mr. C. F. Adams's invitation to "the curious." We invite them to "compare the tone" of every letter and paper Jefferson ever wrote where John Adams's name is mentioned or allusion is made to him. We shall find no over-boilings of wrath, and denunciations as ridiculous as children heap upon each other in their anger, in private letters—no anonymous attacks in newspapers—no petty criticisms on his great productions made during paroxysms of wounded vanity, followed by vehement declarations of "love." We shall find, from the first to the last, one consistent view of Mr. Adams's character—one consistent way of speaking of that character—one consistent expression of the writer's feelings towards him!

regulations, in retaliation for some of the provisions of the Tonnage Bill. Mr. Jefferson declared to Short he could not help hoping that the French regulations were "wanderings of a moment, founded in misinformation which reflection will have corrected," before his letter was received. He adds, with increasing significance :

"Whenever jealousies are expressed as to any supposed views of ours, on the dominion of the West Indies, you cannot go farther than the truth, in asserting we have none. If there be one principle more deeply rooted than any other in the mind of every American, it is, that we should have nothing to do with conquest. As to commerce, indeed, we have strong sensations. In casting our eyes over the earth, we see no instance of a nation forbidden, as we are, by foreign powers, to deal with neighbors, and obliged, with them, to carry into another hemisphere, the mutual supplies necessary to relieve mutual wants. This is not merely a question between the foreign power and our neighbor. We are interested in it equally with the latter, and nothing but moderation, at least with respect to us, can render us indifferent to its continuance. An exchange of surpluses and wants between neighbor nations, is both a right and a duty under the moral law, and measures against right should be mollified in their exercise, if it be wished to lengthen them to the greatest term possible. \* \* \* In policy, if not in justice, they should be disposed to avoid oppression, which, falling on us, as well as on their colonies, might tempt us to act together."

A letter to the President, two days afterwards, shows that the above instructions were drawn up by the Secretary without consultation, and that they were sent to the former (at Mount Vernon) for his approbation. Jefferson urged that the parts quoted could be safely left to be used by Mr. Short at his discretion, but that if the President "thought that the possibility that harm might be done outweighed the chance of good, he would expunge them," etc. We have in this a specimen how far the writer was influenced by the subserviency to France of which he was soon afterwards loudly accused.

Professor Tucker<sup>1</sup> gives extracts of a letter from Jefferson to Short of the same date with the instructions—from whence derived he does not say, but we infer, probably, from Mr. Short himself. They are as follows :

"Paine's pamphlet has been published and read with general applause here. \* \* \* The Tory paper, *Fenno's*, rarely admits anything which defends the present form of government in opposition to his desire of subverting

<sup>1</sup> *Life of Jefferson*, vol. i. p. 350.



it, to make way for a King, Lords, and Commons. There are high names here in favor of this doctrine, but these publications have drawn forth, pretty generally, expressions of the public sentiment on this subject, and I thank God they are, to a man, firm as a rock in their republicanism."

A note appended to the above after the word "names," was as follows :

"Adams, Jay, Hamilton, Knox, and many of the *Cincinnati*. The second says nothing : the third is open. Both are dangerous. They pant after union with England, as the power which is to support their projects, and are most determined Anti-Gallicans. It is prognosticated that our Republic is to end with the President's life, but I believe they will find themselves all head and no body."

This letter, it will be borne in mind, was written in the height of the controversy called out by the publication of the *Rights of Man*, with Jefferson's letter to Smith prefixed, and before Jefferson received Mr. Adams's letter of explanation and denial.

On the 29th of July Jefferson wrote to Thomas Paine :

"I am glad you did not come away till you had written your '*Rights of Man*.' That has been much read here with avidity and pleasure. A writer under the signature of Publicola has attacked it. A host of champions entered the arena immediately in your defence. The discussion excited the public attention, recalled it to the '*Defence of the American Constitutions*' and the '*Discourses on Davila*,' which it had kindly passed over without censure in the moment, and very general expressions of their sense have been now drawn forth ; and I thank God that they appear firm in their republicanism, notwithstanding the contrary hopes and assertions of a sect here, high in name but small in numbers. These had flattered themselves that the silence of the people under the '*Defence*' and '*Davila*' was a symptom of their conversion to the doctrine of King, Lords, and Commons. They are checked at least by your pamphlet, and the people confirmed in their good old faith."

On the 10th of August, in a letter to General Knox, he expressed himself very decidedly in respect to the legal foundation on which the afterwards famous "*Yazoo Claims*" rested, and marked out the precise line of demarkation between the powers of the General and State Governments in extinguishing Indian titles, which became and yet remains the established one. We will not here give his remarks. They may be quoted hereafter ; or, if not, our citation is sufficient to call attention to them.

The remarkable inflation of the United States Bank scrip, in

the summer of 1791, has been alluded to. Mr. Jefferson wrote to Edward Rutledge of South Carolina, August 25th :

"What do you think of this scrippomony ?<sup>1</sup> Ships are lying idle at the wharfs, buildings are stopped, capitals withdrawn from commerce, manufactures, arts, and agriculture to be employed in gambling, and the tide of public prosperity almost unparalleled in any country is arrested in its course, and suppressed by the rage of getting rich in a day. No mortal can tell where this will stop ; for the spirit of gaming, when once it has seized a subject, is incurable. The tailor who has made thousands in one day, though he has lost them the next, can never again be content with the slow and moderate earnings of his needle. Nothing can exceed the public felicity, if our papers are to be believed, because our papers are under the orders of our scripmen. I imagine, however, we shall hear that all the cash has quitted the extremities of the nation, and accumulated here. That produce and property fall to half price there, and the same things rise to double price here. That the cash accumulated and stagnated here, as soon as the bank paper gets out, will find its vent into foreign countries, and instead of this solid medium, which we might have kept for nothing, we shall have a paper one, for the use of which we are to pay these gamblers fifteen per cent. per annum, as they say.

"Would to God yourself, General Pinckney and Major Pinckney, would come forward and aid us with your efforts. You are all known, respected, wished for ; but you refuse yourselves to everything. What is to become of us, my dear friend, if the vine and the fig tree withdraw, and leave us to the bramble and thorn ?"

He added the following in regard to the French Revolution and its influence on American politics :

"You will have heard, before this reaches you, of the peril into which the French Revolution is brought by the flight of their King. Such are the fruits of that form of government, which heaps importance on idiots, and which the Tories of the present day are trying to preach into our favor. I still hope the French Revolution will issue happily. I feel that the permanence of our own, leans in some degree on that ; and that a failure there would be a powerful argument to prove there must be a failure here."

On the second day of September, a year and a day after starting on his last preceding trip for home, Mr. Jefferson again set out for Monticello, and he reached it on the 12th. A diary of this trip is lying before us, kept in a new form—a tabular one, in which the distances, time of travelling, stopping-places, etc., are arranged in separate and corresponding columns. It would scarcely, perhaps, repay transcription.

We proceed to bring down his unpublished letters to his daughters, since his previous visit home :

<sup>1</sup> Scrippo-mania, i. e. mania for Bank scrip.

## TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, Dec. 1st, 1799.

MY DEAR DAUGHTER:

In my letter of last week to Mr. Randolph, I mentioned that I should write every Wednesday to him, yourself, and Polly alternately; and that my letters arriving at Monticello the Saturday, and the answer being sent off on Sunday, I should receive it the day before I should have to write again to the same person, so as that the correspondence with each would be exactly kept up. I hope you will do it on your part. I delivered the fan and note to your friend Mrs. Waters (Miss Rittenhouse that was) she being now married to a Doctor Waters. They live in the house with her father. She complained of the *petit format* of your letter, and Mrs. Trist of no letter. I inclose you the *Magasin des Modes* of July. My furniture is arrived from Paris; but it will be long before I can open the packages, as my house will not be ready to receive them for some weeks. As soon as they are opened the mattresses, etc., shall be sent on. News for Mr. Randolph—the letters from Paris inform that as yet all is safe there. They are emitting great sums of paper money. They rather believe there will be no war between Spain and England; but the letters from London count on a war, and it seems rather probable. A general peace is established in the north of Europe, except between Russia and Turkey. It is expected between them also. Wheat here is a French crown the bushel.

Kiss dear Poll for me. Remember me to Mr. Randolph. I do not know yet how the Edgehill negotiation has terminated. Adieu, my dear.

Yours affectionately,

TH. JEFFERSON.

## TO MARIA JEFFERSON.

PHILADELPHIA, Dec. 7, 1799.

MY DEAR POLL:

This week I write to you, and if you answer my letter as soon as you receive it, and send it to Colonel Bell at Charlottesville, I shall receive it the day before I write to you again—that will be three weeks hence; and this I shall expect you to do always, so that by the correspondence of Mr. Randolph, your sister, and yourself, I may hear from home once a week. Mr. Randolph's letter from Richmond came to me about five days ago. How do you all do? Tell me that in your letter, also what is going forward with you, how you employ yourself, what weather you have had. We have already had two or three snows here. The workmen are so slow in finishing the house I have rented here, that I know not when I shall have it ready, except one room which they promise me this week, and which will be my bedroom, study, dining-room, and parlor. I am not able to give any later news about peace or war than of October 16th, which I mentioned in my last to your sister. Wheat has fallen a few pence, and will, I think, continue to fall, slowly at first and rapidly after a while. Adieu, my dear Maria; kiss your sister for me, and assure Mr. Randolph of my affection. I will not tell you how much I love you, lest by rendering you vain, it might render you less worthy of my love.

Encore adieu,

TH. J

## TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, Dec. 28d, 1790.

MY DEAR DAUGHTER :

This is a scolding letter for you all. I have not received a scrip of a pen from home since I left it. I think it so easy for you to write me one letter every week, which will be but once in the three weeks for each of you, when I write one every week, who have not one moment's repose from business, from the first to the last moment of the week.

Perhaps you think you have nothing to say to me. It is a great deal to say you are all well ; or that one has a cold, another a fever, etc. : besides, that there is not a sprig of grass that shoots uninteresting to me ; nor anything that moves from yourself down to Bergère or Grizzle.<sup>1</sup> Write, then, my dear daughter, punctually on your day, and Mr. Randolph and Polly on theirs. I suspect you may have news to tell me of yourself of the most tender interest to me. Why silent then ?

## TO MARIA JEFFERSON.

PHILADELPHIA, Jan. 5th, 1791.

I did not write to you, my dear Poll, the last week, because I was really angry at receiving no letter. I have now been near nine weeks from home, and have never had a scrip of a pen, when by the regularity of the post I might receive your letters as frequently and as exactly as if I were at Charlottesville. I ascribed it at first to indolence, but the affection must be weak which is so long overruled by that

Adieu,

TH. J.

## TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, Feb. 9th, 1791.

MY DEAR MARTHA :

Your two last letters are those which have given me the greatest pleasure of any I ever received from you. The one announced that you were become a notable housewife ; the other, a mother. This last is undoubtedly the keystone of the arch of matrimonial happiness, as the first is its daily aliment. Accept my sincere congratulations for yourself and Mr. Randolph.

I hope you are getting well ; towards which great care of yourself is necessary ; for however advisable it is for those in health to expose themselves freely, it is not so for the sick. You will be out in time to begin your garden, and that will tempt you to be out a great deal, than which nothing will tend more to give you health

<sup>1</sup> The originals brought by him from France, of the stock of the shepherd's dog, which was kept up at Monticello till within a short period of his death. Bergère's name is associated in the minds of Mrs. Randolph's daughters with a tradition illustrative of her reasoning powers. Having had assigned to her, among her "constitutional functions," the office of gathering up the poultry at nightfall, and seeing them "folded," and having observed that it is the nature of the feathered tribe to go to roost on cloudy days earlier than on others, she adapted her government to the character of her subjects, and used, in such weather, to drive them up without regard to the hour of sunset. (Note by a member of Mr. Jefferson's family.)

and strength. Remember me affectionately to Mr. Randolph and Polly, as well as to Miss Jenny.<sup>1</sup>

Yours sincerely,

TH. JEFFERSON.

TO MARIA JEFFERSON.

PHILADELPHIA, February 16th, 1791.

MY DEAR POLL:

At length I have received a letter from you. As the spell is now broke, I hope you will continue to write every three weeks. Observe I do not admit the excuse you make of not writing because your sister had not written the week before; let each write their own week without regard to what others do, or do not do. I congratulate you, my dear aunt,<sup>2</sup> on your new title. I hope you pay a great deal of attention to your niece, and that you have begun to give her lessons on the harpsichord, in Spanish, etc. Tell your sister I make her a present of Gregory's Comparative View, inclosed herewith, and that she will find in it a great deal of useful advice for a young mother. I hope herself and the child are well. Kiss them both for me. Present me affectionately to Mr. Randolph and Miss Jenny. Mind your Spanish and your harpsichord well, and think often and always of

Yours affectionately,

TH. JEFFERSON.

P. S.—Letter inclosed with the book for your sister.

TO MARIA JEFFERSON.

PHILADELPHIA, Mar. 2d, 1791.

MY DEAR MARIA:

I am happy to have at length a letter of yours to answer; for that which you wrote to me February 18th, came to hand February 28th. I hope our correspondence will now be more regular, that you will be no more lazy, and I no more in the pouts on that account. On the 27th of February I saw blackbirds and robin-redbreasts, and on the 7th of this month I heard frogs for the first time this year. Have you noted the first appearance of these things at Monticello? I hope you have, and will continue to note every appearance, animal and vegetable, which indicates the approach of spring, and will communicate them to me. By these means we shall be able to compare the climates of Philadelphia and Monticello. Tell me when you shall have peas, etc., up; when everything comes to table; when you shall have the first chickens hatched; when every kind of tree blossoms, or puts forth leaves; when each kind of flower blooms. Kiss your sister and niece for me, and present me affectionately to Mr. Randolph and Miss Jenny.

Yours tenderly, my dear Maria,

TH. J.

<sup>1</sup> Miss Jenny Eldridge, a "spinster," whose name is associated in the memories of Mr. Jefferson's grandchildren with several amusing peculiarities, and particularly her vast lore in family genealogies.

<sup>2</sup> The meaning of this will be found explained in the letter to Martha, of February 9th.

## TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, *Mar. 24, 1791.*

MY DEAR DAUGHTER:

The badness of the roads retards the post, so that I have received no letter this week from Monticello. I shall hope soon to have one from yourself; to know from that that you are perfectly reestablished, that the little Anne is becoming a big one, that you have received Dr. Gregory's book and are daily profiting from it. This will hardly reach you in time to put you on the watch for the annular eclipse of the sun, which is to happen on Sunday sennight, to begin about sunrise. It will be such a one as is rarely to be seen twice in one life. I have lately received a letter from Fulwar Skipwith, who is consul for us in Martinique and Guadaloupe. He fixed himself first in the former, but has removed to the latter. Are any of your acquaintances in either of those islands? If they are, I wish you would write to them and recommend him to their acquaintance. He will be a sure medium through which you may exchange *souvenirs* with your friends of a more useful kind than those of the convent. He sent me half a dozen pots of very fine sweet-meats. Apples and cider are the greatest presents which can be sent to those islands. I can make those presents for you whenever you choose to write a letter to accompany them; only observing the season for apples. They had better deliver their letters for you to F. S. Skipwith. Things are going on well in France, the revolution being past all danger. The National Assembly being to separate soon, that event will seal the whole with security. Their islands, but most particularly St. Domingo and Martinique, are involved in a horrid civil war. Nothing can be more distressing than the situation of the inhabitants, as their slaves have been called into action, and are a terrible engine, absolutely ungovernable. It is worst in Martinique, which was the reason Mr. Skipwith left it. An army and fleet from France are expected every hour to quell the disorders. I suppose you are busily engaged in your garden. I expect full details on that subject as well as from Poll, that I may judge what sort of a gardener you make. Present me affectionately to all around you, and be assured of the tender and unalterable love of

Yours,

TH. JEFFERSON.

## TO MARIA JEFFERSON.

PHILADELPHIA, *Mar. 31st, 1791.*

MY DEAR MARIA:

I am happy to have a letter of yours to answer. That of March 6th came to my hands on the 24th. By the by, you never acknowledged the receipt of my letters, nor tell me on what day they came to hand. I presume that by this time you have received the two dressing-tables with marble tops. I give one of them to your sister and the other to you; mine is here with the top broken in two. Mr. Randolph's letter, referring to me the name of your niece, was very long on the road. I answered it as soon as I received it, and hope the answer got duly to hand. Lest it should have been delayed, I repeated last week to your sister the name of Anne, which I had recommended as belonging to both families. I wrote you in my last that the frogs had begun their songs on the 7th; since that the blue-birds saluted us on the 17th; the weeping-willow began to leaf on the 18th; the lilac and gooseberry on the 25th, and the golden-willow on the 26th. I inclose for your sister three kinds of flowering beans, very beautiful and very rare. She must plant

and nourish them with her own hand this year in order to save enough seeds for herself and me. Tell Mr. Randolph I have sold my tobacco for five dollars per c., and the rise between this and September. Warehouse and shipping expenses in Virginia, freight and storage here, come to 2s 9d. a hundred, so that it is as if I had sold it in Richmond for 27s. 3d. credit till September, or half per cent. per month discount for the ready money. If he chooses it, his Bedford tobacco may be included in the sale. Kiss everybody for me.

Yours affectionately,  
TH. JEFFERSON.

TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, April 17, 1791.

MY DEAR DAUGHTER:

Since I wrote last to you, which was on the 24th of March, I have received yours of March 22. I am indeed sorry to hear of the situation of Walter Gilmer, and shall hope the letters from Monticello will continue to inform me how he does. I know how much his parents will suffer, and how much he merited all their affection. Mrs. Trist has been so kind as to have your calash made, but either by mistake of the maker, or of myself, it is not lined with green. I have therefore desired a green lining to be got, which you can put in yourself if you prefer it. Mrs. Trist has observed that there is a kind of veil lately introduced here, and much approved. It fastens over the brim of the hat, and then draws round the neck as close or open as you please. I desire a couple to be made to go with the calash and other things. Mr. Lewis not liking to write letters, I do not hear from him; but I hope you are readily furnished with all the supplies and conveniences the estate affords. I shall not be able to see you till September, by which time the young grand-daughter will begin to look bold and knowing. I inclose you a letter to a woman, who lives, I believe, on Buck Island. It is from her sister in Paris, which I would wish you to send *express*.<sup>1</sup> I hope your garden is flourishing. Present me affectionately to Mr. Randolph and Polly.

Yours sincerely, my dear,  
TH. JEFFERSON.

TO MARIA JEFFERSON.

PHILADELPHIA, April 24, 1791.

I have received, my dear Maria, your letter of March 26th; I find I have counted too much on you as a Botanical and Zoölogical correspondent, for I undertook to affirm here that the fruit was not killed in Virginia, because I had a young daughter there who was in that kind of correspondence with me, and who, I was sure, would have mentioned it, if it had been so. However, I shall go on communicating to you whatever may contribute to a comparative estimate of the two climates, in hopes it will induce you to do the same to me. Instead of waiting to

<sup>1</sup> Here is a sample of "democracy," as it lived in his bosom and manifested itself in his daily life. The woman whom he desires an "express" to be sent in search of with her letter—living somewhere on Buck Island, fifteen miles or more distant—was the sister of the wife of a groom in the stables of the Duke of Orleans. This man, a common soldier, had been one of the Convention prisoners at Charlottesville, and while there had married a poor girl in the neighborhood. (Note by a member of Mr. Jefferson's family.)

send the two veils for your sister and yourself round with the other things, I inclose them with this letter. Observe that one of the strings is to be drawn tight round the root of the crown of the hat, and the veil then falling over the brim of the hat is drawn by the lower string as tight or loose as you please round the neck. When the veil is not chosen to be down, the lower string is also tied round the root of the crown, so as to give it the appearance of a puffed bandage for the hat. I send also inclosed the green lining for the calash. J. Eppe is arrived here. Present my affections to Mr. R., your sister, and niece.

Yours with tender love,

TH. JEFFERSON

April 5. Apricots in bloom.

Cherry leafing.

9. Peach in blossom.

Apple leafing.

11. Cherry in blossom.

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TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, May 8th, 1791.

I thank you for all the small news of your letters, which it is very grateful for me to receive. I am happy to find you are on good terms with your neighbors. It is almost the most important circumstance in life, since nothing is so corroding as frequently to meet persons with whom one has any difference. The ill-will of a single neighbor is an immense drawback on the happiness of life, and therefore their good-will cannot be bought to dear.

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TO MARIA JEFFERSON.

PHILADELPHIA, May 8th, 1791.

MY DEAR MARIA :

Your letter of April 18th came to hand on the 30th; that of May 1st, I received last night. By the stage which carries this letter I send you twelve yards of striped nankeen of the pattern inclosed. It is addressed to the care of Mr. Brown, Merchant, in Richmond, and will arrive there with this letter. There are no stuffs here of the kind you sent. April 30th the lilac blossomed. May 4th the gelder-rose, dogwood, redbud, azalea were in blossom. We have still pretty constant fires here. I shall answer Mr. Randolph's letter a week hence. It will be the last I shall write to Monticello for some weeks, because about this day sennight I set out to join Mr. Madison at New York, from whence we shall go up to Albany and Lake George, then cross over to Bennington, and so through Vermont to the Connecticut River, down Connecticut River by Hartford to New Haven, then to New York and Philadelphia. Take a map and trace this route. I expect to be back in Philadelphia about the middle of June. I am glad you are to learn to ride, but hope that your horse is very gentle, and that you will never be venturesome. A lady should never ride a horse which she might not safely ride without a bridle. I



long to be with you all. Kiss the little one every morning for me, and learn her to run about before I come. Adieu, my dear.

Yours affectionately,  
TH. JEFFERSON.<sup>1</sup>

TO MARTHA JEFFERSON RANDOLPH.

LAKE CHAMPLAIN, May 31st, 1791.

MY DEAR MARTHA.

I wrote to Maria yesterday while sailing on Lake George, and the same kind of leisure is afforded me to-day to write to you. Lake George is, without comparison, the most beautiful water I ever saw; formed by a contour of mountains into a basin thirty-five miles long, and from two to four miles broad, finely interspersed with islands, its water limpid as crystal, and the mountain sides covered with rich groves of thuja, silver fir, white pine, aspen and paper birch down to the water-edge; here and there precipices of rock to checker the scene and save it from monotony. An abundance of speckled trout, salmon trout, bass, and other fish, with which it is stored, have added to our other amusements, the sport of taking them. Lake Champlain, though much larger, is a far less pleasant water. It is muddy, turbulent, and yields little game. After penetrating into it about twenty-five miles we have been obliged by a head wind and high sea to return, having spent a day and a half in sailing on it. We shall take our route again through Lake George, pass through Vermont, down Connecticut River, and through Long Island to New York and Philadelphia. Our journey has hitherto been prosperous and pleasant, except as to the weather, which has been as sultry hot through the whole as could be found in Carolina or Georgia. I suspect, indeed, that the heats of northern climates may be more powerful than those of southern ones in proportion as they are shorter. Perhaps vegetation requires this. There is as much fever and ague, too, and other bilious complaints, on Lake Champlain as on the swamps of Carolina. Strawberries here are in the blossom or just formed. With you I suppose the season is over. On the whole, I find nothing anywhere else, in point of climate, which Virginia need envy to any part of the world. Here they are locked up in ice and snow for six months. Spring and autumn, which make a

<sup>1</sup> Let the reader interpolate, at this point, the following letter, giving some particulars of Maria's future husband, "Jack" (John W.) Eppes:

"PHILADELPHIA, May 15th, 1791.

"DEAR SIR:

"Jack's letters will have informed you of his arrival here safe and in good health. Captain Stratton is also arrived, whom we considered as lost. Your favors of April 5 and 27 are received. I had just answered a letter of Mr. Skipwith's on the subject of the Guineaman, and therefore send you a copy of that by way of answer to your last. I shall be in Virginia in October, but cannot yet say whether I shall be able to go to Richmond.

"Jack is now set in to work regularly. He passes from 2 to 4 hours a day at the College, completing his courses of sciences, and 4 hours at the law. Besides this, he will write an hour or two to learn the style of business and acquire a habit of writing, and will read something in history and government. The course I propose for him will employ him a couple of years. I shall not fail to impress on him a due sense of the advantage of qualifying himself to get a living independently of other resources. As yet I discover nothing but a disposition to apply closely. I set out to-morrow on a journey of a month to lakes George, Champlain, etc., and having yet a thousand things to do, I can only add assurances of the sincere esteem with which I am, dear sir,

"Your affectionate friend and servant, "TH. JEFFERSON.

"Francis Eppes, Esq., Eppington."

paradise of our country, are rigorous winter with them. And a tropical summer breaks on them all at once. When we consider how much climate contributes to the happiness of our condition, by the fine sensations it excites, and the productions it is the parent of, we have reason to value highly the accident of birth in such a one as that of Virginia.

From this distance I can have little domestic to write to you about. I must always repeat how much I love you. Kiss the little Anne for me. I hope she grows lustily, enjoys good health, and will make us all, and long, happy as the centre of our common love. Adieu, my dear.

Yours affectionately,  
TH. JEFFERSON<sup>1</sup>

TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, June 28, 1771.

I wrote to each of you once during my journey, from which I returned four days ago, having enjoyed through the whole of it very perfect health. I am in hopes the relaxation it gave me from business, has freed me from the almost constant headache with which I had been persecuted through the whole winter and spring. Having been entirely clear of it while travelling, proves it to have been occasioned by the drudgery of business. I found here on my return, your letter of May 23d, with the pleasing information that you were all in good health. I wish I could say when I shall be able to join you: but that will depend on the motions of the President, who is not yet returned to this place.

In a letter written me by young Mr. Franklin, who is in London, is the following paragraph: "I meet here with many who ask kindly after you. Among these the Duke of Dorset, who is very particular in his inquiries. He has mentioned to me that his niece had wrote once or twice to your daughter since her return to America; but not receiving an answer, had supposed she meant to drop her acquaintance, which his niece much regretted. I ventured to assure him that was not likely, and that possibly the letters might have miscarried. You will take what notice of this you may think proper."<sup>2</sup> Fulwar Skipwith is on his return to the United States. Mrs. Trist and Mrs. Waters often ask after you. Mr. Lewis being very averse to writing, I must trouble Mr. Randolph to inquire of him relative to my tobacco, and to inform me about it. I sold the whole of what was good here. Seventeen hogsheads only are yet come, and by a letter of May 29, from Mr. Hylton there were then but two hogsheads more arrived at the warehouse. I am uneasy at the delay, because it not only embarrasses me with guessing at excuses to the purchaser, but is likely to make me fail in my payments to Hanson, which ought to be made in Richmond on the 19th of next month. I wish much to know when the rest may be expected.

<sup>1</sup> This letter, as a matter of curiosity probably, was written in a book of the bark of the paper birch, having leaves seven inches long by four wide.

<sup>2</sup> The Duke of Dorset was British Minister in France during Mr. Jefferson's residence there. He and Mr. Jefferson were on very cordial personal terms. The niece spoken of was the Lady Caroline Tufton. A great intimacy and friendship existed between her and Martha Jefferson, insomuch that the latter solicited her father, on her return home, for the purpose of keeping the Lady Caroline's name in constant recollection, to give it to one of his farms. A farm lying off the eastern slopes of Monticello was, accordingly, thenceforth called Tufton.

In your last you observe you had not received a letter from me in five weeks. My letters to you have been of Jan. 20, Feb. 9, March 2, 24, April 17, May 8, which you will observe to be pretty regularly once in three weeks. Matters in France are still going on safely. Mirabeau is dead; also the Duke de Richelieu; so that the Duke de Fronsac has now succeeded to the head of the family, though not to the title; these being all abolished. Present me affectionately to Mr. Randolph and Polly, and kiss the little one for me.

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TO MARIA JEFFERSON.

PHILADELPHIA, June 26th, 1791.

MY DEAR MARIA:

I hope you have received the letter I wrote you from Lake George, and that you have well fixed in your own mind the geography of that lake, and of the whole of my tour, so as to be able to give me a good account of it when I shall see you. On my return here I found your letter of May 29th, giving me the information it is always so pleasing to me to receive, that you are all well. Would to God I could be with you to partake of your felicities, and to tell you in person how much I love you all, and how necessary it is to my happiness to be with you. In my letter to your sister written to her two or three days ago, I expressed my uneasiness at hearing nothing more of my tobacco, and asked some inquiries to be made of Mr. Lewis on the subject. But I received yesterday a letter from Mr. Lewis with full explanations, and another from Mr. Hylton informing me the tobacco was on its way to this place. Therefore desire your sister to suppress that part of my letter and say nothing about it. Tell her from me how much I love her. Kiss her and the little one for me, and present my best affections to Mr. Randolph, assured of them also yourself, from yours,

TH. J.

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TO MARIA JEFFERSON.

PHILADELPHIA, July 31st, 1791.

The last letter I have from you, my dear Maria, was of the 29th of May, which is nine weeks ago. Those which you ought to have written the 19th of June and 10th of July, would have reached me before this if they had been written. I mentioned in my letter of the last week to your sister, that I had sent off some stores to Richmond which I should be glad to have carried to Monticello in the course of the ensuing month of August. They are addressed to the care of Mr. Brown. You mentioned formerly that the two commodores were arrived at Monticello. Were my two sets of ivory chessmen in the drawers? They have not been found in any of the packages which came here, and Petit seems quite sure they were packed up.

How goes on the music, both with your sister and yourself? Adieu, my dear Maria; kiss and bless all the family for me.

Yours affectionately,

TH. JEFFERSON.

## TO MARIA JEFFERSON.

PHILADELPHIA, August 21st, 1791.

MY DEAR MARIA :

Your letter of July 10th is the last news I have from Monticello. The time of my setting out for that place is now fixed to some time in the first week of September, so that I hope to be there between the 10th and 15th. My horse is still in such a condition as to give little hope of his living : so that I expect to be under a necessity of buying one when I come to Virginia, as I informed Mr. Randolph in my last letter to him. I am in hopes, therefore, he will have fixed his eye on some one for me, if I should be obliged to buy. In the meantime, as Mr. Madison comes with me, he has a horse which will help us on to Virginia. Kiss little Anne for me and tell her to be putting on her best looks. My best affections to Mr. Randolph, your sister, and yourself. Adieu, my dear Maria.

TH. JEFFERSON.

The reader need not be reminded of the principle of selection which we have already declared would guide us in presenting these family letters.<sup>1</sup>

Mr. Jefferson commenced his return to Philadelphia on the 12th of October, stopping at Mount Vernon as usual. He carried with him his youngest daughter, Maria, who thenceforth resided with him during most of his further continuance in his present office. On commencing housekeeping, his usual establishment, we observe, consisted of a steward, Maria's maid, and four or five hired male servants ; and he kept five horses.

Congress met on the 24th of October. The most conspicuous of the old members had been rechosen. The Republicans (as we may now call them), had gained somewhat, but their opponents, the Federalists, continued in a majority in both houses, and in a very decided one in the Senate. Aaron Burr, a man destined to exert an important influence on the future fortunes of two members of the President's Cabinet, took his seat in the Senate from New York, in the place of Hamilton's father-in-law, General Schuyler, whose unpopular manners, as much as his views, had led to his defeat.<sup>2</sup> His colleague, whose

<sup>1</sup> See vol. 1, p. 389.<sup>2</sup> Hammond, in his excellent and exceedingly candid Political History of New York.

says :

"The General [Schuyler] was a candidate for reelection, and Mr. Aaron Burr was his competitor. Colonel Burr was nominated by both houses [of the New York Legislature] — in the Assembly his majority was five, in the Senate eight. \* \* \* It may appear singular that the majority in the Senate was so large against Gen. Schuyler, as the majority in that body must have been nominally Federal. But Schuyler, although he was unquestionably a man of high honor and integrity, possessing enlarged, liberal and patriotic views as regards the great interests of the State, was an ardent and violent partisan, and was presumed to act under the influence of Gen. Hamilton, who was his

time had not yet expired, was Rufus King, perhaps the ablest member of the Federal party in the Senate. The most prominent Republican member was James Monroe. The afterwards celebrated Nathaniel Macon, of North Carolina, first took his seat in the House of Representatives this session. Among the other conspicuous new members, were William Findley and Andrew Gregg, of Pennsylvania; Jonathan Dayton, of New Jersey; General Artemas Ward, of Massachusetts; and James Hillhouse, of Connecticut. Madison, Giles and Page returned from Virginia; Gerry, Ames and Sedgwick from Massachusetts; Fitzsimmons, Muhlenburg and Hartley from Pennsylvania; Lawrence, Benson and Sylvester from New York; Smith, Sumpter and Tucker from South Carolina; Williamson from North Carolina; Baldwin from Georgia; Boudinot from New Jersey; Trumbull from Connecticut; Livermore from New Hampshire; and Vining from Delaware.

Several reports to Congress, several Cabinet opinions, and several instructions to our foreign ministers, were prepared by the Secretary of State during the session; and though a number of these papers possess no inconsiderable interest, even now, we feel compelled to pass them without notice.

Believing that a moment was approaching when it might be useful to have the conditions of American commerce with the French and British dominions accurately understood, Mr. Jefferson, on the 23d of December, placed a carefully drawn up tabular exhibit of the facts before the President. This disclosed some remarkable circumstances. But a single article, indigo, was subjected to a higher duty in France than in Great Britain, except in their West India possessions, where there was, in a few instances, a difference of one per cent. in favor of England. On all the most important American products the French duties were lower—in some cases greatly lower—while many of those products were absolutely prohibited in England. The latter also prohibited the naturalization of American ships, which was permitted in France. English port charges were higher. Our tonnage in the French trade, including the islands, was three times larger than in the English. Yet in the face of all these facts, our exports (leaving out the West India Islands),

son-in-law, and although he was a man of commanding appearance, yet his manners, having been formed in camps, and not in courts or among the people, were austere and aristocratic, and rendered him personally unpopular." (Vol. I. p. 50.)

were about five times and our imports about nine times as large to and from England, as to and from France.<sup>1</sup> And it would be appropriate to add, that in the face of all these facts—in the face of our different Revolutionary obligations to those countries—in the face of England's continued refusal to evacuate our territory, or to enter upon any terms of commercial negotiation, or even to exchange a minister with us—the last Federal Congress had refused to make a particle of discrimination between the regulations imposed on British and French commerce! Mr. Jefferson attributed the refusal to prejudices in favor of England, somewhat aided by southern prejudices against the shipping interests of New England.<sup>2</sup>

Of the same date with the preceding, Mr. Jefferson addressed a letter to Mr. Stuart of Virginia, on the expediency of forming a new Constitution for that State. He considered it desirable, but thought it would be unsafe to proceed without some previous understanding with Patrick Henry as to the nature of the proposed amendments. This patriotic but rather unstable politician had been inflamed to a great pitch of exasperation by the adoption of the United States Constitution. He now scarcely belonged to any party—but his unbounded popularity and his resistless eloquence made him still able to defeat almost any measure which could be brought forward for the interior concerns of the State. He had hitherto been considered opposed to the formation of a new Constitution in Virginia, and if a convention was called in defiance of his views, Mr. Jefferson apprehended that he would “either fix the thing as at present, or change it for the worse.” He proceeds thus, in modern phrase, to “define his own position,” and, incidentally to touch on some interesting topics of federal politics :

“I shall hazard my own ideas to you as hastily as my business obliges me. I wish to preserve the line drawn by the federal Constitution between the general and particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it. Though the experiment has not yet had a long enough course to show us from which quarter encroachments are most to be feared, yet it is easy to foresee, from the nature of things, that the encroachments

<sup>1</sup> It should be remarked, however, that our exports to and imports from the French West Indies, exceeded by, say, one-fourth those to and from the British West Indies.

<sup>2</sup> These views will be found expressed in a letter to Edward Rutledge, of Aug. 25, 1791. Mr. Jefferson particularly points to the South Carolina members of Congress as entertaining the second class of prejudices, and urges Mr. Rutledge to attempt to remove them.

of the State Governments will tend to an excess of liberty which will correct itself (as in the late instance), while those of the General Government will tend to monarchy, which will fortify itself from day to day, instead of working its own cure, as all experience shows. I would rather be exposed to the inconveniences attending too much liberty, than those attending too small a degree of it. Then it is important to strengthen the State Governments; and as this cannot be done by any change in the federal Constitution (for the preservation of that is all we need contend for), it must be done by the States themselves, erecting such barriers at the constitutional line as cannot be surmounted either by themselves or by the General Government. The only barrier in their power is a wise government. A weak one will lose ground in every contest. To obtain a wise and an able government, I consider the following changes as important. Render the legislature a desirable station by lessening the number of representatives (say to 100) and lengthening somewhat their term, and proportion them equally among the electors. Adopt also a better mode of appointing senators. Render the Executive a more desirable post to men of abilities by making it more independent of the legislature. To wit, let him be chosen by other electors, for a longer time, and ineligible for ever after. Responsibility is a tremendous engine in a free government. Let him feel the whole weight of it then, by taking away the shelter of his executive council. Experience both ways has already established the superiority of this measure. Render the judiciary respectable by every possible means, to wit, firm tenure in office, competent salaries, and reduction of their numbers. Men of high learning and abilities are few in every country; and by taking in those who are not so, the able part of the body have their hands tied by the unable. This branch of the government will have the weight of the conflict on their hands, because they will be the last appeal of reason. These are my general ideas of amendments; but, preserving the ends, I should be flexible and conciliatory as to the means. You ask whether Mr. Madison and myself could attend on a Convention which should be called. Mr. Madison's engagements as a member of Congress will probably be from October to March or April in every year. Mine are constant while I hold my office, and my attendance would be very unimportant. Were it otherwise, my office should not stand in the way of it."

Before leaving the history of Mr. Jefferson's life, for this year, it is necessary to allude to a practice adopted by him towards the close of it, which has, in its final consequences, drawn upon him more bitter animadversion than any, than all, the other acts of his life put together. It has, in thousands of bosoms, converted what would have been mere partisan prejudice, into personal and vindictive hate. It has, in thousands of even liberal minds, produced wholly distorted estimates of his temper, his candor, his fairness towards opponents—in a word, of his whole character both as a man and a politician. We allude to his making the memoranda which have been published under the head of "*Ana*." This word, we need not say, is a termination derived from the Latin, and when, in the usual

way, connected with a proper name, is understood to denote anecdotes or sayings of the person bearing that name.<sup>1</sup>

Mr. Jefferson's *Ana* consist of records of official, semi-official, and private conversations and proceedings under a great variety of circumstances, in some instances witnessed by himself, in others reported to him by third persons.

It has been claimed that the original making of many of these memoranda was a violation of the established decorums of society or of official etiquette, and that the intention of publishing them converted an error into a crime. The very fact that they were not published until after Mr. Jefferson's death, has been claimed to imply a more settled and ruthless malignity. The public have been eloquently told of hate and bitterness surviving the tomb—of profanations of the sanctuary of the grave, to "shoot" from it "poisoned arrows" at the dead and the living.<sup>2</sup>

It is conceded, at the outset, that Mr. Jefferson undoubtedly wrote his *Ana*, contemplating their publication, if events, in his judgment, should render it expedient. They were begun at what he esteemed a most perilous crisis of public affairs, to record facts which would explain the real designs of the two political parties. Perhaps he had formed no settled purpose in regard to the use to be made of them further than as aids to his own memory. It is probable that their other use was left to depend upon circumstance. If the designs he attributed to the Federalists had continued to progress towards a successful termination, and especially if they had continued at the same time concealed from the popular knowledge, we can entertain no doubt that such portions of the *Ana* would have been contemporaneously made public as respect for official secrecy permitted. The motive which induced the making of such a record, if patriotic and consistently carried out, would certainly demand this.

But the designs of the Federalists were not successful. No minute documentary evidence became necessary to expose and overthrow their projects, whatever they were. Notwithstand-

<sup>1</sup> For example, *Baconiana*, *Volteriana*, *Scaligerana*, etc. We doubt, however, whether the word was well selected as a title to a considerable class of the memoranda or recollections Mr. Jefferson placed under it.

<sup>2</sup> This is Judge Marshall's figure. (*Life of Washington*, second edition, vol. i<sup>st</sup> Appendix, p. 32.) The reader is requested to turn to Judge Marshall's remarks accompanying those particularly cited.



ing this, more than twenty years after the writing of most of the Ana, they were "calmly revised" for more accurate. and we may add, more certain preservation. Mr. Jefferson's suffering them, in this situation, to pass into the hands of what may be termed his literary executor, leaving their publication to the judgment of that executor, makes him as responsible for the action of the latter in the premises as if it had been his own individual action. Nay, this is hardly stating the case strongly enough. It is apparent that when Mr. Jefferson made his "calm revisal," he expected the publication of the papers under certain circumstances—unless their object should be anticipated, within a reasonable time, by an equivalent publication from some other source. That object was not anticipated by any other publication. His executor, then, had no alternative. The sole question left is, was Mr. Jefferson justifiable in writing such memoranda, and in impliedly directing their posthumous publication?

There is, assuredly, no kind or shade of dishonor which a chivalric mind shrinks from more instinctively and more loathingly, than from a violation of personal confidence, whether that confidence pertains to public or private concerns. This feeling is not the dictate of overstrained sentiment, but of common honesty; of laws absolutely necessary for the preservation of society, or at least for the preservation of its civilization. Where the official cannot freely confer with his brother official, in or out of official conclave, without having all his inmost thoughts carried to the newspapers—where men cannot meet amidst the gaieties of the soiree, or the genialities of the dinner table, without padlocks on their mouths, and eyes gleaming watchfully for an advantage, society must dissolve, or sink into the barbarism, when it thus sinks into the espionage, of Japan. Among men of any breeding the intimation that a disclosure is "confidential" is not necessary to make it confidential. The time, the place and the circumstances often just as distinctly and imperatively impose that obligation. As a general thing, polite society, and especially where the assembled circle is small, is to be regarded as neutral ground where even antagonists on public questions can meet with armor off. In the genial glow, when those antagonists have discovered captivating personal qualities in each other or in each other's families—when perhaps music,

the dance, flashing goblets or eyes more flashing, have cast spells of witchery over the hour—men not made of iron will sometimes talk unguardedly. Sudden confidences are inspired, and find utterances. Who has not waked the next morning, startled with the recollection of his overnight unreserve? Who has not smiled the next moment at his tremor, as he remembered that honor raised walls of adamant between himself and betrayal? It is precisely these sympathetic leanings of man towards his fellow, these instinctive confidences, which gradually sponge away the sharp demarkation lines of party, or class, or sectional hate—which teach man his humanity—which raise him from the isolated savage to a clansman—from a clansman to a patriot—from a patriot to a philanthropist.

But are there no exceptions to the obligation to consider as confidential what is seen and heard in social or official intercourse? There obviously are many such exceptions. We certainly are at liberty (in the absence of any specific injunction to the contrary) to disclose what is injurious to the rights or feelings of none. Otherwise, we could scarcely speak of our neighbors, or of the affairs of society. We are at liberty to mention what we have seen or heard, though we regard it as injurious to the person of whom it is related, provided it is so far made common as to lead fairly to the inference that it is not intended or desired to be a confidential deposit with ourselves. For example, what is openly said in a legislative body, or a promiscuous collection of people of any kind, or is constantly and carelessly repeated before friend and foe, or indifferently before new auditors, even in *quasi private circles*, ceases to carry with it the privilege of a confidential communication in the case of any particular hearer.<sup>1</sup> If we are not the hearers—if

<sup>1</sup> To place our meaning beyond cavil, we will enter upon some specifications of what we regard as those "quasi private circles" which are privileged from injurious disclosures, unless under the exceptions taken in the text. We place among them unofficial conversations on official subjects with colleagues or others properly concerned in them, even though the parties be enemies—all frank and unguarded conversations assuming a quasi confidential tone between two (or a small number of) gentlemen, without reference to their previous personal relations—anything mentioned of personal or family affairs, and especially anything which pertains to females—anything uttered by a person dispensing hospitality under his own roof, etc., etc. The rule, too, in our judgment, extends to small dinner parties, or other social occasions, where a limited number of persons meet as common friends, or as the common friends of their entertainer. If we chance to find an unfriend in such a place, we should respect the roof if we do not respect him. And finally, a high-toned man will not make himself a personal informer, under any circumstances, unless he feels that duty demands it at his hands. The true rule is, in our judgment, to hold everything private which is said either to us individually, or in a small circle, the repetition of which will bring any kind of injury, ridicule or the like, on the

the thing has come to us second, third, or fourth handed—still less is the implied obligation of secrecy. The original speaker or divulger, in that case, reposed no trust in us. If anybody has abused his confidence, we are not the responsible party; nor can we even be supposed to know that his confidence is to be abused, unless actually informed of it. There can be no merely implied obligation of secrecy on us in such a case.<sup>1</sup> It can be made to exist only by express injunction, and the presumption is always against the wrong doer (the first revealer), until it can be made to appear that he attempted to guard his improper disclosure from spreading further by such injunction.

Again, there can be no doubt, in the absence of a particular obligation of secrecy, that we have a right, that we are bound, to reveal anything that the safety and interests of our country, or of society, demand should be made public. Nay, this is not going far enough. If the meditation or commission of anything savoring of a crime, or a great public or private wrong is intrusted to us, an injunction of secrecy could impose no obligation whatever. Our indefeasible moral and legal duties would supersede any artificial one. No person can impose a duty on himself or others, even by express promise, which transcends the laws of God and man.

Finally, many things which were confidential at the time of their occurrence, cease to be so after a proper lapse of time, provided justice to individuals, or merely the truth of history, demands their publicity. This proposition may not, at first view, appear so obvious to all, as do the preceding ones; but a little consideration will show, at least, that society has firmly settled the propriety of the rule. Our intention being to apply this remark chiefly to official proceedings, we shall now examine the subject in no other light. There are many official circles (as for example, the members of an executive cabinet) where it is not customary to impose formal obligations of secrecy in regard to daily transactions, but where such obligations are implied, from the nature of things, because the public interest

speaker, unless a moral or public duty, or absolutely necessary self-defence, requires its divulgence. And the nobler and better rule is, to put foe and friend on the same footing in this particular.

<sup>1</sup> We by no means claim that it is always wise or delicate to consider what is told us not in confidence of third parties a thing which may be unreservedly repeated. We are now discussing what does or does not constitute a breach of confidence.

or the proper freedom of individual action requires them. But when public or private interests cease to demand privacy, the practice of all ages shows that the obligation to preserve it has been regarded as removed. It would be difficult to point to the political memoirs of any statesman which do not reveal things that were regarded at the time of their occurrence as official secrets; and we find no hesitation whatever, even in the cases of colleagues, in giving the particulars of individual action, in such transactions, however they may now be supposed to affect personal reputation. A multitude of instances of this will at once occur to every well-read person.

Governments, too, have in repeated instances given their sanction to the same rule by throwing open to public scrutiny records of secret official proceedings, involving individual action. And the cases have not been few where governments have themselves published such records. We will cite one. Mr. Madison kept a daily record or "report" of what took place in the federal Convention of 1787, which sat with closed doors, and with the express obligation of secrecy resting on every member. That obligation was never raised by the official body which imposed it, or by any other body composed of the same, or a majority of the same persons, or even of other persons acting in the same capacity. No man doubts that a great many things were said and done in that convention by persons who would not have dreamed of saying or doing them with open doors. Published, during the lives of the actors, the records of them would, in many instances, have proved highly damaging to their popularity; and, in the minds of some, they still seriously affect their posthumous reputation. Yet the Government of the United States purchased and published this secret record! We have heard no outcry raised on the subject—no blame imputed to the Government.<sup>1</sup> It appears to be conceded, then, that acted history must, after immediate personal interests cease to be affected, give up its secrets to written and published history. The practical rule established seems to be that the

<sup>1</sup> Nor have we, except in one case, heard any complaints made or insinuated against Mr. Madison—and they are by a filial biographer, who afterwards exhibited his own delicacy by publishing the most confidential letters to his father, making far more damaging revelations (if either are damaging) to the writers, than do the records of the federal Convention: all there was not, certainly, on public considerations, a title of the same good reasons for their publication!

lives of the actors generally<sup>1</sup> constitute the just limitation of obligations of official secrecy.<sup>2</sup> Perhaps another condition should be superadded, and is really superadded in the public judgment—that fair and good reasons (something besides catering to a useless curiosity) should exist for publication.

If the preceding positions are tenable, we have, at the outset, a sufficient answer to the assertion that the reservation of the Ana for posthumous publication, implied any extraordinary inveteracy in political or personal hostility. And it is quite as easy to defend posthumous publications on the score of fairness. An obscure man may not, it is true, be as easily vindicated from an unjust or untruthful charge, twenty-five years after his death, as when he and all the witnesses were on the stage together. But no man of sufficient consequence to make his memoirs public authority, has any motive for striking at the memories of obscure men, except where they appear as the agents or representatives of more prominent ones; and then the charge against them usually stands or falls with that against their principal. In the case of a prominent actor on the public stage, in nineteen cases out of twenty, an important charge affecting his secret character or motives, can be better settled after than before his death. He must be a most wary and impenetrable man if his own private papers, and those of his associates and friends, do not really settle all charges in regard to whatever was disguised, or at least not known, of his character and great aims in his life. Infinitely better now, than during their lives, can we judge of the esoteric springs of action which influenced the political measures of Washington, John Adams, Jefferson, Hamilton, or any other conspicuous person whose private papers have come before the world since his death.

And the dead are protected from petty or specific damaging accusations, in regard to which the particular defensive proof has become extinct, by another circumstance. Mankind, justly, on the whole, judge character in the mass, and not on any isolated incident recorded by a true or a false witness. Even though the proof appears to be overwhelming, the world really

<sup>1</sup> An exception would of course exist, where the peace or good of the State demanded either further silence or an earlier exposure.

<sup>2</sup> We are free to confess that, in our opinion, voluntary private and personal confidence can never die; and that it is as binding on descendants as on the original parties.

pays little attention to it, if it goes contrary to the tenor of what is well settled to be the character of the accused person. If the proof is purely *ex parte*, still less is it regarded. Men generously and properly say, "we do not know what contradictions or explanations the accused might have offered." Few men, in truth, have ever been ultimately condemned, except on their own testimony. Accordingly, the posthumous memoirs or allegations of an opponent do not weigh a feather, when opposed to the tenor of a life, and to those inside views of himself which the confidential correspondence and papers of a statesman furnish, when spread before the world. We ought not, for example, to ask any man to believe any aggressive statement in Mr. Jefferson's *Ana*, which is opposed by such evidence, nor will we. All that such personal memoirs of an opponent—or one not in the confidence of the accused—can be considered worth, after private papers come to light, is that, as corroborations or explanations, they may more fully explain what prudence left but half spoken on paper, even to confidants.

Before a man's private papers are under the inspection of the public, he is, in our judgment, vastly more liable to misconstruction than afterwards, and more exposed to misrepresentation. Contemporary passions and prejudices increase the opportunity for delusion. We assert, then, that posthumous accusations of the nature of those contained in the *Ana*, are in every point of view as fair as contemporaneous ones; as fair in the intention, when made by an intelligent man who understands their practical effects, and clearly as fair in their practical consequences. Indeed, the world, on the whole, has been inclined to view them with even greater favor, because they cannot possibly be supposed to be prompted by immediate personal interest. While it gives actual credit to them or not, according to circumstances, while it knows that every man is anxious to commend himself and his party to posterity, it takes for granted that no one morally above the rank of a ruffian, would deliberately pass the dark portals of the grave with a gratuitous and malevolent *aggressive* falsehood on his lips. Nor has the world decided on the rightfulness of these posthumous accusations, even, strictly speaking, by their truthfulness of fact. They have only required that they should be truthful in intention—honestly and sincerely written.

The fact that posthumousness of publication, other things being equal, is generally regarded as, on the whole, a favorable indication as to motives, we make no doubt; but in reality, it is a consideration perhaps generally hardly thought of. Let the best informed reader suddenly ask himself whether the writings approaching to the character of those which have been most condemned in the Ana (accusatory personal charges<sup>1</sup>) of Burnet, Clarendon, De Comines, Evelyn, Franklin, Hutchinson, Las Casas, Lord Herbert of Cherbury, Lutterel, Mather, Melvil, Pepys, Reresby, Rochefoucault, De Retz, Sidney, Sully, Temple, Winthrop, and the multitude of other personal memoir writers, from the days of Xenophon to those of Senator Benton, were published before or after the death of their authors. His inability to answer, without a good deal of effort to recollect, will probably satisfy him, by a fair test, how little real importance he has attached to that particular fact—how little he or any other man has dreamed of looking to either side of it for a ground of accusation against any other man than Mr. Jefferson.<sup>2</sup> Unless under a cloud of temporary prejudice and passion, no intelligent person, in our opinion, would have ever dreamed of making it a ground of accusation against the latter. We shall have occasion to see that the rule that would condemn him in this particular, would equally, in the principle, if not in the extent, condemn Washington, and nearly every other prominent statesman of our country.

What were Mr. Jefferson's real and special motives for originally writing, for subsequently revising, and for meditating a posthumous publication of his Ana? We have hinted at these, but he has left express declarations on the subject, in the introduction prefixed to those papers, in 1818, which it would not be proper to omit:

*Explanation of the three volumes bound in marbled paper.<sup>3</sup>*

In these three volumes will be found copies of the official opinions given in writing by me to General Washington, while I was Secretary of State, with some-

<sup>1</sup> We shall not say that the writings of all we are about to name contain such charges—for we shall mention a list of personal memoir writers almost at random—but we should be curious to know which of them, or of all the same class of writers who ever wrote, contains nothing of the kind.

<sup>2</sup> We make no doubt that had Mr. Jefferson's Ana been published during his life, we should have had ten times as loud a cry about his "ferocity," "malignity," etc.!

<sup>3</sup> Note, by the editor (Mr. Randolph) of Jefferson's Works:

"These are the volumes containing the Anas to the time that the author retired

times the documents belonging to the case. Some of these are the rough drafts, some press copies, some fair ones. In the earlier part of my acting in that office, I took no other note of the passing transactions; but after a while, I saw the importance of doing it, in aid of my memory. Very often, therefore, I made memoranda on loose scraps of paper, taken out of my pocket in the moment, and laid by to be copied fair at leisure, which, however, they hardly ever were. These scraps, therefore, ragged, rubbed, and scribbled as they were, I had bound with the others by a binder who came into my cabinet, did it under my own eye, and without the opportunity of reading a single paper. At this day, after the lapse of twenty-five years, or more, from their dates, I have given to the whole a calm revision, when the passions of the time are passed away, and the reasons of the transactions act alone on the judgment. Some of the informations I had recorded, are now cut out from the rest, because I have seen that they were incorrect, or doubtful, or merely personal or private, with which we have nothing to do. I should perhaps have thought the rest not worth preserving, but for their testimony against the only history of that period, which pretends to have been compiled from authentic and unpublished documents.

But a short review of facts \* \* \* \* \* will show, that the contests of that day were contests of principle, between the advocates of republican, and those of kingly government, and that had not the former made the efforts they did, our government would have been, even at this early day, a very different thing from what the successful issue of those efforts have made it.

We have here a most unequivocal avowal that the *Ana* were designed for ultimate publication, to furnish the writer's life-long and dying testimony against a history, brought forth under circumstances which would give it great weight, but a history which, in Mr. Jefferson's opinion, wholly misstated and perverted the respective principles and purposes of the original Federal and Republican parties, and consequently the true grounds of issue between them and their leaders.

The history thus alluded to was Chief-Justice Marshall's *Life of Washington*. To the importance it derived from being then the only history of its period purporting to be "compiled from authentic and unpublished documents" (General Washington's private papers and the records in the several Government offices), Mr. Jefferson might have added that importance necessarily inuring from its author's high official and personal character.

Judge Marshall was a man of sound and powerful intellect, and of austere public and private virtue. He was a Federalist of the "straightest sect." He had played a conspicuous part in an embassy to France, the result of which gave peculiar disgust to

from the office of Secretary of State. The official opinions and documents referred to, being very voluminous, are for the most part omitted, to make room for the conversations which the same volumes comprise."



the Republicans, and none had expressed that disgust more warmly than Jefferson. Marshall became Secretary of State under John Adams, and stood unflinchingly by the most obnoxious and high-handed measures of his administration, such as the Alien and Sedition Laws, the raising of standing armies, etc. Towards Mr. Jefferson politically, and personally, he entertained the deepest aversion,<sup>1</sup> and it is but justice to say that these feelings were heartily reciprocated by the latter. Marshall was appointed Chief-Justice about two months before the close of Mr. Adams's Presidential term, and his acceptance of that office and his presiding at the February term of the Supreme Court in 1801, while he still continued to fill the office of Secretary of State—(thus doing acts in one capacity, it was said, which he could claim the right to pass upon judicially in another)—did not tend to divest Jefferson and the other Republican leaders of the impression, that while the ermine of the judge continued to cover an acting political officer, it also continued to cover the natural feelings and biases of a partisan.

This was, perhaps, doing him injustice, so far as his intent was concerned. Judge Marshall unquestionably carried to the bench his consolidating views in politics; and he acted on them unhesitatingly throughout his whole judicial career. There were cases where the Republicans of his day accused him of resorting to extraordinary judicial courses, and of travelling out of his path to pronounce *obiter dicta*<sup>2</sup> for the purpose of assailing their opinions, and even with no worthier object than of annoying and tendering a quasi defiance to the President of the United States, when the Presidency was filled by Mr. Jefferson.<sup>3</sup> Judge Marshall's career, taken as a whole, and his stainless private character, render incredible the idea that he ever knowingly and voluntarily allowed mere partisan or personal feelings to influence his action on the bench. He aimed to be an upright and impartial judge. We believe him to have been an earnest and sincere man. His errors, if he committed any, were the errors of his system, and of those unconscious prejudices and feelings from which the most perfect men can, perhaps, never be wholly exempt. He sat on the bench long enough to see his

<sup>1</sup> This fact will not be left to unsupported assertion, but distinctly made to appear in the progress of this narrative.

<sup>2</sup> Opinions not called for in the case.

<sup>3</sup> The facts on which these imputations rested, will hereafter appear.

own cardinal theory of our Government repudiated by a majority of his associates; and that theory was afterwards, in all its main features, almost wholly swept away. But his earlier judicial decisions came during the fierce struggles of those parties who were contending inch by inch the very questions he was oftentimes more or less directly passing upon, and, his opponents asserted, stretching his jurisdiction beyond all its constitutional limits to pass upon. Those opponents asserted that the Federalists, beaten and routed in the sovereign body, the people, had taken refuge in the Supreme Court, and that this power, constantly extending its encroachments, was attempting to effect that consolidation which the powerful Federal party had broken itself down in attempting to accomplish. The Republican feeling was therefore strong against Judge Marshall, and no one will doubt that, as a *man*, he fully repaid that aversion.

During the first pause in the great political struggle—during the administration of Mr. Jefferson—Marshall's *Life of Washington* made its appearance.<sup>1</sup> The subject and the circumstances, as already said, gave it peculiar importance. That the author intended it for a faithful and impartial history, we will not doubt. But, notwithstanding its guarded tone of moderation, its seeming *judicial* tone, its respectful language towards adversaries, no one could then, or can now, fail to see that it was colored throughout by those political opinions and feelings which none complain of in the historian where they are frankly avowed. It is a calm and well argued defence of the Federal party and principles, and a calm, decorously expressed, but none the less earnest and decided, condemnation of the opposite party and its principles. That "great party," that "overwhelming majority" of the people, as he so often termed the Republicans, is almost always placed in the wrong. The wisdom of the few and the folly of the many, are, obviously, ever pressing on the author's mind, and are the text of never-ceasing commentaries or allusions. Unlike Jefferson's theory, that the preceding political contests had been "contests of principle between the advocates of republican and those of kingly government," Marshall's was that the Federalists, as a party, had, on all the great ques-

<sup>1</sup> It was in preparation during Jefferson's first Presidency, and was expected by the latter to appear pending the canvas when he was reelected. We think, however, no part of it was got ready for publication before 1805.

tions, acted wisely and well—that they had never desired any stronger form of government than comported with the Constitution, and was necessary to security—that Hamilton's Treasury schemes were just, salutary, and necessary—that the original State Right and Anti-Federal party originated in a desire to avoid the payment of the public debts, a dislike of the restraints indispensable to good order, and in the narrow and unprincipled ambition of local demagogues—that their successors, the Republicans, availing themselves of the same physical elements, embarked in a factious opposition to Hamilton's schemes, and finally to General Washington's administration from the same motives in part, in part from their hostility to England and sympathy with the Jacobin Democracy of France, and perhaps more yet from their anxiety to clutch "the loaves and fishes" of political power. According to Judge Marshall's whole showing, the Federalists were but a quite moderate, truly republican party, and the representations of their opponents to the contrary were but pretences, fabricated by demagogues or mad enthusiasts, and addressed to the passions and prejudices of ignorant mobs.

Towards Jefferson, personally, Judge Marshall's language was most guarded. Admitting his talents and public services, never stooping (like the Callenders, the Sullivans and several later writers) to retail the low calumnies of the day against him, always speaking of his conduct with temper and decorum,<sup>1</sup> he nevertheless contrives very often to convey the impression that his political, and not unfrequently his personal, course was more or less indefensible. Sometimes circumstances were omitted which Mr. Jefferson's friends have ever claimed were necessary to a true understanding of his conduct. Those friends, too, have always insisted that if Judge Marshall nowhere resorts to direct misstatements, he has sometimes so presented and grouped the facts as to convey totally erroneous impressions. The facts on which these assertions were put forth will, in several instances, necessarily appear in these volumes. But, waiving these questions for the present, it is at least apparent that he presents Jefferson to the world as the leading spirit of a party whose aims and conduct he so unqualifiedly condemns. He represents party posi-

<sup>1</sup> Except in a note to his second edition, replying to personal censures of Jefferson on his first.

tions which everybody knows Jefferson ever firmly insisted on as most truthful and important, as the hollow pretences of demagogues; and maxims of political faith, which Jefferson ever acted on as cardinal, as the licentious extravagances of disorganizers.

Nor was there wanting in the work a coloring of what was regarded (we will not now say with what justice) as intended personal offence to Mr. Jefferson. A letter of the latter to an Italian, named Mazzei, had made its appearance in the public prints in 1797, and was seized upon by the Federalists as a topic of party declamation, on the ground that it contained a covert insult to General Washington, for the purpose of ingratiating the writer and his party with the Government of France. Judge Marshall directed attention to this letter in a note, in a manner which vividly recalled to Jefferson's enemies their original impression concerning its object; and though Marshall made no mention of its containing a supposed attack on General Washington, he presented, if not strictly speaking a conclusion resting on that hypothesis, at least, an idea so closely associated with it in the minds of Mr. Jefferson's enemies, that to recall the one was equally, in effect, to recall the other. And this imputation reacted and strengthened another very favorite out-door one of the Federalists, that he had been from an early period, if not always, secretly hostile to General Washington—that while holding a seat in the Cabinet of the latter, he was secretly and sedulously organizing a party against him.

These mortal stabs, as Mr. Jefferson deemed them, at both his reputation as a statesman and a man—these efforts to prove that the "great party" which he had so long led and which carried with it all the sympathies of his heart, was but an organization of demagogues and dupes, and that he was only the greatest demagogue or dupe in the number—these constant hypotheses which, carried to their legitimate results and applied to him, would convict him of almost every shade of folly, or unmanly insincerity—nay, these seemingly sanctioning allusions to charges which he regarded as impeaching his personal honor—were probably rendered none the more palatable because they came from a dignified source, because they were clothed in dignified language, and because his assailant assumed many of the ceremonious forms of weighing the testimony and even of occasionally making some liberal concessions, before putting on the

black cap to pass sentence. Nor was Jefferson's condemnation of the tone and spirit of Judge Marshall's Work much more decided than that of some of the Federalists themselves.'

It was under such circumstances that Jefferson, twenty-five years after writing his Ana, "calmly revised" them, and deliberately bequeathed them to his posterity, to be used as *his* testimony against Judge Marshall's History. The reader now has the facts, and he will judge for himself how far Mr. Jefferson's conduct in regard to these celebrated papers, deserves the imputations of wanton and unprovoked aggression, of a malignity determined to pass the boundaries of this world and shoot "poisoned arrows" from the grave, and the other tragic and pathetic flights of rhetoric which to the extent of volumes have been inflicted on the Ana. The simple question presented is, had or had not Mr. Jefferson the same right with Judge Marshall to defend himself and his party, to give to the world *his*

<sup>1</sup> John Adams repeatedly alludes with severity to Marshall's Life of Washington—speaking of it as a book made to sell in England—an effort to crush all other men with the weight of General Washington's popularity, etc. etc. His idea apparently is, that the effort of Marshall was to appropriate all the popularity of Washington to the Ultra (and Anglo) Federalists, and use it as a sacred weapon against their opponents, which nobody would *dare* to strike against, even in self-defence.

We cannot believe Judge Marshall had any such view to English popularity as that Mr. Adams imputed to him. If he had, he failed in his object. As a specimen of the severity—we think illiberal severity—of treatment his work received in the Edinburgh Review, we will transcribe a paragraph.

*From Edinburgh Review, October, 1808.*

"We were glad to see, from the title and preface, that Mr. Marshall did not affect to follow that very unsatisfactory and indeed preposterous scheme of biography, which separates a man's private from his public life. This gives us a right to expect, not only an account of his achievements in arms, and his labors as a legislator and statesman, but of those lesser occupations also, those habitudes and distinguishing particulars, which are necessary to a clear view and lively conception of individual character, conduct and demeanor. What, indeed, is biography if it does not do this? and where would be its pretensions to those delightful details which are forbid in the more formal and stately communications of general history? Mr. Chief-Justice Marshall, however, seems to have formed a very different conception of its nature and objects. Though affecting to give a full view of his hero's character and actions, he preserves a most dignified and mortifying silence regarding every particular of his private life and habits; and seems to have thought, that the gravity of his historical functions would have been impaired by anything approaching to familiar and easy description. We cannot, indeed, go quite the length of the amiable and ingenious writer who informs us, that *he was grateful for being told Milton wore shoe-buckles*; but we do not recollect any book, calling itself the history of a life, more unparadoxically deficient in all that constitutes the soul and charm of biography. We are never permitted to see the great man in his private and voluntary occupations—'in his happier hour'—when relaxed from the cares of policy and war. We look in vain, through these stiff and countless pages, for any sketch or anecdote that might fix a distinguishing feature of private character in the memory. When Chastellux mentions, for example, that Washington broke his own horses, and that he read with peculiar delight the King of Prussia's *Instructions* and Guibert's *Tactics*, every one is gratified and instructed; and in omitting such traits, Mr. Marshall may be assured, that he has greatly impaired the interest as well as the utility of his book; that his ungraphic generalities will neither satisfy the curious nor the superficial inquirer into character; and that what seemed to pass with him for dignity, will, by his reader, be pronounced dullness and frigidity."

version of the political questions of his day, and his direct testimony and most direct information on the points in controversy between himself and his life-long and those who were to be his *posthumous* accusers?

The next proper inquiry, it would seem, is, did Mr. Jefferson, in pursuing this object, bring forward legitimate testimony, and in a legitimate way? The reader is invited to take up the Ana, and closely scrutinize them line by line, to find a word that, under the rules already laid down (and which we are persuaded carried with them the assent of every candid mind), it was not strictly legitimate to present. We confess, we cannot find one such word.

We will notice one or two collateral charges which have been brought against the Ana. One is that Mr. Jefferson repeatedly transcended the fair rights of a witness, by avowedly repeating merely hearsay stories, second, third, or fourth handed. This may weigh against their credibility. If so, no one is misled. When he states anything on other authority than his own, he not only mentions that fact, but also the number and names of the witnesses through whom his information has been derived. If this is not fair, what portion of history is fair? How much history even purports to be written on the direct personal knowledge of the author?

It has been said that portions of the Ana are irrelevant to any of the useful purposes of history, and that, consequently, where such portions reflect on individuals, they imply malice. The strong specimen case always brought forward is, that Jefferson has recorded that General Washington, on a few occasions, exhibited anger, and that on one or two he used an oath. A human Washington is not to the taste of the myth-makers! The difference between them and Jefferson was, that the latter thought Washington was good enough as he was, and in need of no patching or mending! Jefferson's reasons for stating facts of so little historic or other general importance (unless in the eye of those whose knowledge and taste are exemplified in their desire to conform the character of a great warrior and statesman, who lived in stormy times, to that of some meek hermit living on bread and water diet), become apparent if we turn to the occasions when the facts took place. We discover at once that his object was to show how strong and deep were

General Washington's opinions and feelings on certain topics of public interest. The intensity of his feelings was as much a part of the facts as that he had feelings on the subject. Do we allow the witness, who is required to describe before legal tribunals the particular conduct of a party in explanation of his intent, to suppress, at his option, any circumstance, any word, or any look or motion, which tends to throw light on that intent? Does honest history make or tolerate such suppressions?

The *Ana* may contain irrelevant entries. This being purely a question of judgment, or taste, the world cannot be expected to be agreed on it. We should quite willingly, however, enter upon a comparison between those claimed to be most irrelevant or unnecessary, and statements which could be readily selected from perhaps any of that list of celebrated writers of a kindred class of productions which has been given in this chapter. It will be found that Mr. Jefferson, so far from being an instance of a wanderer from his ostensible and legitimate topic to wantonly assail, is a remarkable instance of the contrary. His forbearance in introducing irrelevant and injurious personal matter is specially conspicuous. Every entry which has been complained of for its severity or bitterness bears on some public question—was designed to throw light on the conduct or motives of men or parties, in reference to such questions. Some very innocent persons may imagine that this abstinence from personalities was occasioned by a want of materials! Those who are at all familiar with the histories of several of the individuals handled most severely in the *Ana*, and against whom not the most covert hint in respect to private character is thrown out in that production, are very well aware that those individuals were stained with notorious, and in one or two celebrated instances, self-confessed offences of the deepest dye against propriety and even morality.

What solicited this forbearance on the part of Jefferson? Was it that a blacker and steadier stream of purely personal calumny was discharged on himself than was ever discharged on the head of any other statesman, from the foundation of the government down to the present day? Was it because good and even devout hands, while pouring the oil of canonization on open and self-proclaimed violators of the laws of God and man, narrated odious and circumstantial personal calumnies about

him, on testimony which should have been laughed at or spurned by magnanimous foes?

And we shall have abundant occasion to see that his *political* attacks were mild compared with those made on himself; and no more acrid in their tone than those which were common at that day among our most distinguished men. We do not know of *one solitary instance* of an American statesman of that period, whose papers have to any considerable extent been published, who did not indulge, at times, in severe and highly offensive language and imputations against his opponents. It was the fashion of the day, and extended from the bar-room and "the stump" even to the pulpit. The same bitter and unsparing tone was then common in England and in the debates of its Parliament. The first parliamentary speakers, men of the rank of Pitt, and Fox, and Burke, habitually indulged in language which, we take it, would not now be tolerated in a deliberative body in Honolulu.

There have been reasons, easy enough to specify, but which we do not feel here called upon to specify, why the current of persono-controversial literature has been made to set strongly against Jefferson. We are presented with the, at first view, singular anomaly, that while a vast majority of the American people revere his name as they revere no other name but Washington's, he has not had one personal defender to every fifty personal assailants. Like most of the other great Republican leaders of the first era of the Republic, he left no sons, and thus none have succeeded him deeply interested in his mere personal defence, and at the same time near enough to the contests of his day to be anointed with their bitter chrism, who are willing to swell pamphlets to books to roll back the tide of personal vituperation on *his* assailants. Nor will we. But the faithful biographer is at liberty to shun no really serious issue, which goes to the character of his subject.<sup>1</sup> The world has a right to admire the loyalty which has defended other graves from profanation, nor should it too nicely watch for every word which might seem to transcend the strict boundaries of defence. But there is a lonely grave on the declivities of Monticello which is equally en-

<sup>1</sup> That is, an issue of that kind made by reputable antagonists, and supported by sufficient proof to properly carry a degree of moral conviction against his subject, unless such proof is specifically rebutted, or shown to be untrustworthy by facts already sufficiently established.



titled to protection from insult, if truth and justice will afford that protection!

Mr. Jefferson was *human* in all his feelings, and he erred like other men. Assailed and maligned in public and private life as no other American statesman was ever assailed and maligned, he sometimes turned upon his bitter persecutors. In exposing what he believed to be their motives, he was compelled to speak harshly. In the instances of individuals, we believe, he sometimes misjudged. Where he did so, let the reparation be extorted to the last atom. But be it remembered that if in that life-long contest, whether covering the retreat from the lost field, whether rallying his broken squadrons, whether bearing down in the front of the battle and fighting foot to foot and hand to hand with that host of champions who ever simultaneously singled him out for attack, or whether parrying the assassin's stab made at him unarmed in his tent after the battle, he never struck a blow which he has not deliberately left his name and fame responsible for; he never, even by an innuendo, carried the war into the sacred privacy of domestic life; he never, towards the enemies of his cause, approached, either in kind or degree, the imputations and denunciations cast upon him by his opponents of every grade, from the highest to the lowest, and which can now be exhibited in their accredited writings.<sup>1</sup>

<sup>1</sup> We speak of his opponents as a body. Hamilton, Sedgwick, and a number of others—even John Adams once or twice—indulged in offensive "personalities" towards him in writings now published and *acknowledged*; and we remember no case in which Jefferson retaliated in kind, in the strict meaning of the word. That is to say, while he severely impugned their conduct and even *motives* as politicians and as public men—while he sometimes (though rarely) criticised in decent and becoming terms individual peculiarities—we nowhere find him towards respectable opponents indulging in those offensive personal imputations which among gentlemen are regarded as necessarily and intentionally insulting. He does not speak of them, for example, sweepingly, as "mean men," as "false-hearted men," as "hypocrites," as "liars," or make any equivalent selections from that vocabulary so diligently culled from by his assailants. Yet we have in our minds a few cases where he politically attacked men who did not, so far as we know (they mostly having little or no contemporaneous writings preserved), return the compliment. We therefore have applied the remark in the text to his opponents as a *body*.

There are no so ample and accessible examples of precisely what we mean as are furnished by the published Works of Jefferson and Hamilton—and it is for his *severity* towards the latter, that Jefferson has been frequently arraigned! If there is a solitary remark in all of his Writings in respect to Hamilton which Mr. Pitt or Mr. Fox would have felt bound to resent as a *personal insult*, if spoken of themselves in the British House of Commons, it is not now in our memory. Jefferson did him ample justice as a private gentleman, in his *Ana*, in words we have already quoted. On the other hand, Hamilton's Writings (many of them published contemporaneously) literally reek with personally offensive imputations against Jefferson. We, of course, are not unaware of the twaddle a class of men can utter over the distinction we have attempted to take. It is one, however, which is perfectly understood, and habitually kept in view among all men of respectable cultivation.

## CHAPTER II.

1792.

**New Diplomatic Arrangements—Grounds of the Opposition to Morris's Appointment—**  
**Explanations between the President and Secretary of State—The President apprised**  
**of permanent Divisions in his Cabinet—Apprised of Jefferson's intended Retirement—**  
**Jefferson's Draft of Instructions to our Ministers in Spain—Cabinet Consultation on the**  
**Apportionment Bill—Circumstances of the Veto—Madison consulted—Proposed Extra-**  
**dition Treaty with Spain—Instructions to Mr. Morris—Negotiations between Jefferson**  
**and the English Minister—Jefferson delivers Hammond his Specifications of the Eng-**  
**lish Breaches of the Treaty of Peace—Hamilton's alleged Interference in the Negotia-**  
**tions—Hammond's Answer to Jefferson's Specifications—Jefferson's Rejoinder—His**  
**Official Partialities between France and England examined—His Letter urging Wash-**  
**ington to accept a Reelection—Washington's Answer—Paul Jones's appointment to**  
**Office, and Death—His Relations with Jefferson—Political Letters—Further Division be-**  
**tween Parties—Hamilton's anonymous Attacks on Jefferson—Founders of the National**  
**Gazette—Jefferson visits Home—Family Correspondence—Washington's Letter to**  
**Jefferson on Dissensions in the Cabinet—His Letter to Hamilton—Jefferson's Reply—**  
**Hamilton's Reply—Comparison of the Tone of the Letters—Professions and practice of**  
**the two compared—Jefferson's Interview with the President at Mount Vernon—**  
**President urges his continuance in Office—Hamilton's charge that such continuance**  
**was indelicate—Their respective "Opposition" to the President Examined—Jefferson's**  
**Notice in Correspondence of Hamilton's Attacks on him—Washington's Letter to**  
**Jefferson—Washington's Idea of Parties—President's Proclamation to Resisters of**  
**Excise Law—Marshall's Statements—Jefferson complains of English Impressments—**  
**Complains to Spain of Governor Carondelet—Cabinet Meeting on Viar and Jaudenes'**  
**Complaints—Hamilton Counsels an English Alliance—The President rejects the Pro-**  
**position.**

SOME new and important diplomatic arrangements between the United States and other powers took place not far from the beginning of 1792. Great Britain finally sent a Minister, Mr. Hammond, to our Government, and Major Thomas Pinckney, of South Carolina, went as our Minister to that court. The French Minister, the Count de Moustier, was recalled by his Government, and his place filled, as anticipated, by M. de Ternant. Gouverneur Morris was nominated, in exchange, and after a

severe struggle, confirmed by the Senate.' Mr. Short, who had acted as Chargé d'Affaires in France, since the departure of Mr. Jefferson, was made Minister resident at the Hague. Colonel Humphreys remained in the embassy to Portugal, and Mr. Carmichael in that to Spain; and the King of Spain having expressed a willingness to negotiate on the subject of the navigation of the Mississippi, the two last named officers were appointed Commissioners-Plenipotentiary to treat with him.

On the 29th of February, some important personal explanations took place between the President and Secretary of State, which we give as we find them recorded in the Ana. They had conversed, the day previously, in regard to certain proposed changes in the Post Office department, but the President being called away by company, desired the Secretary to breakfast with him the next morning, for the purpose of resuming the subject. Mr. Jefferson proceeds to say :

<sup>1</sup> The vote finally stood in the Senate, sixteen for confirmation, eleven against. The objections to Morris were, that he was excessively unpopular in France, being considered there an advocate of aristocracy, and unfriendly to its revolution and new Constitution. He was accused of openly and offensively expressing his views, and of "levity and imprudence of conversation and conduct." A letter from General Washington to Morris, informing him of these objections, and cautioning him to more prudence, will be found in Sparks's Washington, vol. x. p. 216. (See, also, on the same subject, Sparks's Life and Writings of Morris, vol. i. p. 368, *et seq.*)

Judge Marshall says: "Mr. Gouverneur Morris, who was understood to have rendered himself agreeable to the French Government, was appointed to represent the United States at the Court of Versailles." (Life of Washington, vol. ii. p. 239.) This, in our judgment, conveys an erroneous idea. Did General Washington appoint a Minister to France, odious to its people and Legislative representatives, because he was understood to have "rendered himself agreeable" to the Court or Executive branch of the Government? As persons enough could have been found unobjectionable to the latter, and at the same time unobjectionable to the nation, is it at all probable that Washington, at this period, intended to express the preference in regard to the political struggles of France, which the motive assigned to him by Judge Marshall, taken alone, would appear to imply? Are there any *facts*, beyond the one of Morris's appointment, to indicate such preferences or motives? We are unable to discover any traces of them.

General Washington probably nominated Mr. Morris from several considerations which it is not necessary here to particularly enter upon. He was pressed to nominate him by Robert Morris and probably by other influential persons. We think he had a strong friendly personal regard for him. We think he had particular confidence in Morris's personal integrity and sagacity. We have no doubt that he believed his own plain letter to the latter would induce him to adopt a course which would cease to give offence to the liberal party in France. That he was acceptable to the Executive government was doubtless one, and an entirely legitimate, consideration for his appointment; but to throw *this* into the foreground as the reason, without naming any other circumstances, would seem to imply views which Washington did not then entertain in respect to the French Revolution, and a system of action in respect to the internal politics of other nations which Washington never practised.

There was quite a broad distinction between feeling hostility to a revolution in France, to the conversion of a despotism into a *constitutional* monarchy, or some other liberal form of government, and detesting the subsequent atrocities of the Revolution. Long after this, we shall show, from his own lips, that Washington gave his approbation to the French Revolution as it was.

That Morris did not follow the wise advice of the President—that he established a most unfortunate precedent of ambassadorial intermeddling, we regard as undeniable. But Washington was not responsible for this. When Morris carried that disposition to such an extent that it produced official complaint, Washington recalled him.

"*February the 29th.*—I did so ; and after breakfast we retired to his room, and I unfolded my plan for the post-office, and after such an approbation of it as he usually permitted himself on the first presentment of any idea, and desiring me to commit it to writing, he, during that pause of conversation which follows a business closed, said in an affectionate tone, that he had felt much concern at an expression which dropped from me yesterday, and which marked my intention of retiring when he should. That as to himself, many motives obliged him to it. He had, through the whole course of the war, and most particularly at the close of it, uniformly declared his resolution to retire from public affairs, and never to act in any public office ; that he had retired under that firm resolution : that the Government, however, which had been formed, being found evidently too inefficacious, and it being supposed that his aid was of some consequence towards bringing the people to consent to one of sufficient efficacy for their own good, he consented to come into the Convention, and on the same motive, after much pressing, to take a part in the new Government, and get it under way. That were he to continue longer, it might give room to say, that having tasted the sweets of office, he could not do without them : that he really felt himself growing old, his bodily health less firm, his memory, always bad, becoming worse, and perhaps the other faculties of his mind showing a decay to others of which he was insensible himself ; that this apprehension particularly oppressed him : that he found, moreover, his activity lessened, business therefore more irksome, and tranquillity and retirement become an irresistible passion. That however he felt himself obliged, for these reasons, to retire from the Government, yet he should consider it as unfortunate, if that should bring on the retirement of the great officers of the Government, and that this might produce a shock on the public mind of dangerous consequence.

"I told him that no man had ever had less desire of entering into public offices than myself ; that the circumstance of a perilous war, which brought everything into danger, and called for all the services which every citizen could render, had induced me to undertake the administration of the government of Virginia ; that I had both before and after refused repeated appointments of Congress to go abroad in that sort of office, which, if I had consulted my own gratification, would always have been the most agreeable to me ; that at the end of two years, I resigned the government of Virginia, and retired with a firm resolution never more to appear in public life ; that a domestic loss, however, happened, and made me fancy that absence and a change of scene for a time might be expedient for me ; that I therefore accepted a foreign appointment, limited to two years ; that at the close of that, Doctor Franklin having left France, I was appointed to supply his place, which I had accepted, and though I continued in it three or four years, it was under the constant idea of remaining only a year or two longer ; that the revolution in France coming on, I had so interested myself in the event of that, that when obliged to bring my family home, I had still an idea of returning and awaiting the close of that, to fix the era of my final retirement ; that on my arrival here I found he had appointed me to my present office ; that he knew I had not come into it without some reluctance ; that it was, on my part, a sacrifice of inclination to the opinion that I might be more serviceable here than in France, and with a firm resolution in my mind, to indulge my constant wish for retirement at no very distant day ; that when, therefore, I had received his letter, written from Mount Vernon, on his way to Carolina and Georgia (April the 1st, 1791); and discovered, from an expression in that, that he meant to retire from the Government ere long, and as to the precise epoch there could be no doubt, my mind was immediately made up, to make that the

epoch of my own retirement from those labors of which I was heartily tired. That, however, I did not believe there was any idea in any of my brethren in the administration of retiring; that on the contrary, I had perceived at a late meeting of the trustees of the Sinking Fund, that the Secretary of the Treasury had developed the plan he intended to pursue, and that it embraced years in its view.

"He said, that he considered the Treasury department as a much more limited one, going only to the single object of revenue, while that of the Secretary of State, embracing nearly all the objects of administration, was much more important, and the retirement of the officer, therefore, would be more noticed: that though the Government had set out with a pretty general good will of the public, yet that symptoms of dissatisfaction had lately shown themselves far beyond what he could have expected, and to what height these might arise, in case of too great a change in the administration, could not be foreseen.

"I told him, that in my opinion, there was only a single source of these discontents. Though they had indeed appeared to spread themselves over the War department also, yet I considered that as an overflowing only from their real channel, which would never have taken place, if they had not first been generated in another department, to wit, that of the Treasury. That a system had there been contrived, for deluging the States with paper money instead of gold and silver, for withdrawing our citizens from the pursuits of commerce, manufactures, buildings, and other branches of useful industry, to occupy themselves and their capitals in a species of gambling, destructive of morality, and which had introduced its poison into the Government itself. That it was a fact, as certainly known as that he and I were then conversing, that particular members of the legislature, while those laws were on the carpet, had feathered their nests with paper, had then voted for the laws, and constantly since lent all the energy of their talents, and instrumentality of their offices, to the establishment and enlargement of this system; that they had chained it about our necks for a great length of time, and in order to keep the game in their hands, had, from time to time, aided in making such legislative constructions of the Constitution, as made it a very different thing from what the people thought they had submitted to; that they had now brought forward a proposition far beyond every one ever yet advanced, and to which the eyes of many were turned, as the decision which was to let us know, whether we live under a limited or an unlimited government. He asked me to what proposition I alluded? I answered, to that in the report on manufactures, which, under color of giving *bounties* for the encouragement of particular manufactures, meant to establish the doctrine, that the power given by the Constitution to collect taxes to provide for the *general welfare* of the United States, permitted Congress to take everything under their management which *they* should deem for the *public welfare*, and which is susceptible of the application of money; consequently, that the subsequent enumeration of their powers was not the description to which resort must be had, and did not at all constitute the limits of their authority: that this was a very different question from that of the Bank, which was thought an incident to an enumerated power: that, therefore, this decision was expected with great anxiety; that, indeed, I hoped the proposition would be rejected, believing there was a majority in both houses against it, and that if it should be, it would be considered as a proof that things were returning into their true channel; and that, at any rate, I looked forward to the broad representation which would shortly take place, for keeping the general Constitution on its true ground; and that this would remove a great deal of the discontent which had shown itself. The conversation ended with

this last topic. It is here stated nearly as much at length as it really was; the expressions preserved where I could recollect them, and their substance always faithfully stated."

General Washington had intentionally selected a cabinet balanced between the earlier friends of popular and strong government. He had done so, hoping they would fuse in principle and act cordially together. He had long since been undeceived by the constant opposition to each other's views of Jefferson and Hamilton in the Cabinet, and the constantly widening breach between the Republicans and the Federalists in Congress. We cannot suppose that the above recorded conversation of February 29th, really gave the President any new insight into the political views of the Secretary of State. But if we were to adopt that hypothesis, it cannot be urged, at least, that thenceforth he did not fully understand them—that he did not understand they were permanent views, and parts of a settled system, and that they cardinally conflicted at nearly every point with those of the Secretary of the Treasury. He thenceforth, at least, understood further, that Jefferson retained deep and fixed objections to Hamilton's principal fiscal measures, notwithstanding they had received the official sanction of the President himself. He was therefore distinctly apprised that his Cabinet could no more be brought to act in partisan politics as a unit, than it could be brought to think as a unit. This is a fact which justice to all parties requires to be henceforth kept clearly in view.

A letter from Jefferson to Short, a few days later (March 18th), recurs to and confirms a previous intimation that he meant to retire at the close of President Washington's first term. After giving a melancholy picture of the explosion which followed the inordinate speculations in United States Bank scrip—the rapid fall in the Government 6 per cents.—the decline of the Bank stock from 115 or 120 to 73 or 74 in the space of two or three weeks—he says: "This nefarious business is becoming more and more the public detestation, and cannot fail, when the knowledge of it shall be sufficiently extended, to tumble its authors headlong from their heights." He adds: "There can never be a fear but that the paper which represents the public debt will be ever sacredly good. The public faith is bound for this, and no change of system will ever be permitted to touch

this; but no other paper stands on ground equally sure." Deeply as Jefferson disapproved of the manner of creating no inconsiderable portion of that debt, he never had any doubts on the subject of preserving the public faith.

On the 18th of March, he delivered to the President a report on the subjects of negotiation between the United States and Spain, it being the draft of the instructions he proposed to communicate to Messrs. Carmichael and Short, the commissioners to that court. The subjects discussed are the Boundary, the Navigation of the Mississippi, and the Commerce between the two nations. The contested boundary (between Florida and Georgia) is claimed to be the same with that established at the Treaty of Peace between Great Britain and the United States. The right to navigate the Mississippi, through the Spanish possessions to its mouth, is claimed under the Treaty of Paris of 1763, the Treaty of 1782-3, and on what the writer terms the "still broader and more unquestionable ground," of the law of nature and of nations. Under the latter head, it is declared to be a sentiment "written on the heart of man," "savage or civilized," that "the ocean is free to all men, and their rivers to all their inhabitants." Where a river passes through two States, it is asserted, "if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind." The principle is then enounced more fully than on a former occasion, "that the right to a thing gives a right to the means without which it cannot be used." By a guarded and gradual train of argument, it is claimed that owing to "very peculiar circumstances attending the river Mississippi," the preceding right involves another of an *entrepôt* near the mouth of the river, under the jurisdiction of the United States. That "long narrow strip of land called the Island of New Orleans," is not now asked for, but such a spot "below the town of New Orleans" as American Commissioners, sent for the purpose, should select. If that should be refused, it is proposed that the Commissioners press the naming of the spot in the treaty, and *Détour aux Anglais*, or English Turn, is suggested as the most eligible one. The objection that Spain might raise, that her treaties with other nations, where she granted them the commercial footing of the most favored nation, would require

her to grant them also the navigation of the Mississippi, is met by the proposition that "Spain does not grant us the navigation of the river—we have an inherent right to it." For the basis of a commercial treaty, an exchange of the privileges of native citizens, and of the most favored nation, is proposed. The above rather comprise a few important points, selected from a long paper, than a synopsis of its contents. It was drawn up with profound research and ability, couched in concise and perspicacious phraseology, and carried out fully those diplomatic principles and positions, officially originating with Mr. Jefferson, which controlled our negotiations with Spain until, under the auspices of the same statesman, the whole Mississippi question found a still happier solution.

On the 4th of April, Mr. Jefferson gave a Cabinet opinion, advising the President to veto the Apportionment Bill as finally, after a long and angry contest, passed by Congress. The number of Representatives in Congress was restricted by the Constitution to one for every thirty thousand inhabitants. The bill adopted that ratio, but instead of applying it to the population of each State separately, applied it to the aggregate population of the United States, or, in other words, divided the whole population by thirty thousand, and apportioned the number of members corresponding with the quotient (one hundred and twenty) among the States according to their relative population. This Mr. Jefferson claimed was contrary to the true intent of the Constitution, and that it led to greater inequalities in representation than was at all necessary. His argument is able, and fortified by forcible illustrations. One of his reasons for advising a resort, for the first time in the history of the government, to an Executive veto, is peculiar :

"The non-user of his negative begins already to excite a belief that no President will ever venture to use it ; and has, consequently, begotten a desire to raise up barriers in the State legislatures against Congress, throwing off the control of the Constitution."

Randolph's opinion coincided with Jefferson's ; Hamilton and Knox had some doubts, but on the whole advised the President to sign the bill. The President finally concurred with the former, but an entry in the *Ana* shows with what reluctance he did so :



"*April 6th.*—The President called on me before breakfast, and first introduced some other matter, then fell on the Representation Bill, which he had now in his possession for the tenth day. I had before given him my opinion in writing, that the method of apportionment was contrary to the Constitution. He agreed that it was contrary to the common understanding of that instrument, and to what was understood at the time by the makers of it: that yet it would bear the construction which the bill put, and he observed that the vote for and against the bill was perfectly geographical, a northern against a southern vote, and he feared he should be thought to be taking side with a southern party. I admitted the motive of delicacy, but that it should not induce him to do wrong: urged the dangers to which the scramble for the fractionary members would always lead. He here expressed his fear that there would, ere long, be a separation of the Union; that the public mind seemed dissatisfied and tending to this. He went home, sent for Randolph, the Attorney-General, desired him to get Mr. Madison immediately and come to me, and if we three concurred in opinion that he should negative the bill, he desired to hear nothing more about it, but that we would draw the instrument for him to sign. They came. Our minds had been before made up. We drew the instrument. Randolph carried it to him, and told him we all concurred in it. He walked with him to the door, and as if he still wished to get off, he said, 'And you say you approve of this yourself.' 'Yes, sir,' says Randolph, 'I do, upon my honor.' He sent it to the House of Representatives instantly. A few of the hottest friends of the bill expressed passion, but the majority were satisfied, and both in and out of doors it gave pleasure to have, at length, an instance of the negative being exercised.

"Written this the 9th of April."

On the question of passing the bill in the House, notwithstanding the President's objections, twenty-eight voted in the affirmative, and thirty-three in the negative. Another bill, raising the ratio of representation to thirty-three thousand, and apportioning to each State its number of representatives, without regard to fractions, was introduced, and soon passed both houses.

The above extract from the *Ana* discloses a very noticeable circumstance in the President's calling in Mr. Madison as an adviser so confidential that he practically took the President's place, on this occasion, in giving the casting vote in the Cabinet. It will be borne in mind that Mr. Madison was now the open and avowed leader of the Republican party in Congress—of that "opposition" which was so vehemently and incessantly attacking the "Treasury measures" of Hamilton which had received the President's signature. It will hereafter appear that these same confidential relations continued to exist between them for a long period to come—at least as long as Mr. Jefferson remained in the Cabinet.

On the 24th of April, the Secretary of State forwarded to Messrs. Carmichael and Short, to be submitted to the Spanish Court, the project of a convention for the mutual rendition of fugitives from justice, between the United States and the Spanish territories *bordering on them*. The plan had been first drafted by the Secretary, and received the approval of the President. It provided for the giving up of persons who had committed willful murder, not of the nature of treason; for the recovery of debt from fugitives, in the courts of justice established in the States or provinces where the fugitive was found; for the recovery, in like manner, from the fugitive or his representatives, of property or its value, carried away, or of damages sustained by forgery. But in no case was the person of the defendant to be imprisoned for debt. The draft was accompanied by a paper assigning heads of reasons both for its provisions and seeming omissions. The exile necessarily incurred by a fugitive was regarded as a sufficient punishment for most offences. A single extract is given to exhibit the spirit of the paper:

"*Treason*. This, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the *government* and acts against the *oppressions of the government*; the latter are virtues; yet they have furnished more victims to the executioner than the former; because real treasours are rare: oppressions frequent. The unsuccessful strugglers against tyranny, have been the chief martyrs of treason laws in all countries.

"Reformation of government with our neighbors, being as much wanted now as reformation of religion is, or ever was anywhere, we should not wish, then, to give up to the executioner, the patriot who fails, and flees to us. Treasons, then, taking the simulated with the real, are sufficiently punished by exile."

On the 28th of April, the Secretary of State forwarded to Mr. Morris instructions on the subject of the obnoxious laws respecting American commerce, passed by the National Assembly of France, couched in terms no less firm than those previously used to Mr. Short. He informed the Minister that the present session of Congress would pass over the subject without exhibiting any but friendly preferences; "but if these should not produce a retaliation of good on their part, a retaliation of evil must follow on ours"—"that it will be impossible to defer longer than the next session of Congress, some counter regulations for the protection of our navigation and commerce."

The prompt tone adopted by the Cabinet towards France, naturally, by the striking contrast it exhibits, recalls our attention to the state of negotiations with England. As has been seen, a minister arrived from the latter country in the autumn of 1791. He made his first call on the Secretary of State, in October. The latter being out at the time, immediately dispatched a most courteous note to Mr. Hammond, expressing his regret at not meeting him, and his readiness to receive any formal or informal communication from him. He mentioned that he recollected with pleasure his acquaintance with Mr. Hammond in Paris, and that he should "be happy in every opportunity of rendering him such offices and attentions as may be acceptable to him."<sup>1</sup> Some incidental business was dispatched between the British Minister and our Government, everything being conducted ostensibly in the same tone of courtesy on both sides. Mr. Hammond having signified to the Secretary of State that he was authorized to communicate his Britannic Majesty's readiness "to enter into a negotiation for establishing intercourse upon principles of reciprocal benefit," the latter asked if his powers extended to the arrangement of a treaty. The Minister replied that he was authorized to negotiate, but not conclude a treaty. On receiving a communication of his powers (December 15th), Mr. Jefferson delivered to Mr. Hammond a paper containing a specification of the breaches of the treaty of peace by Great Britain, complained of by the United States. About a week afterwards, Mr. Hammond apologized for delaying his answer. He then paid no further attention to the subject until, by the direction of the President, he was "jogged" in regard to it by the Secretary of State on the 21st of February, 1792.

The warm and active sympathy for England, imputed by the Republicans to the Federal leaders, and Jefferson's suspicion that Hamilton manifested that sympathy by directly communicating with its Minister, find an expression in the following extracts from the *Ana*:

"1791.—Towards the latter end of November, Hamilton had drawn Ternant<sup>2</sup> into a conversation on the subject of the Treaty of Commerce recommended by the National Assembly of France to be negotiated with us, and, as he had no ready

<sup>1</sup> This note will be found in Jefferson's Correspondence, dated October 2<sup>d</sup>.

<sup>2</sup> The French Minister.

instructions on the subject, he led him into a proposal that Ternant should take the thing up as a volunteer with me, that we should arrange conditions, and let them go for confirmation or refusal. Hamilton communicated this to the President, who came into it, and proposed it to me. I disapproved of it, observing, that such a volunteer project would be binding on us, and not them; that it would enable them to find out how far we would go, and avail themselves of it. However, the President thought it worth trying, and I acquiesced. I prepared a plan of treaty for exchanging the privileges of native subjects, and fixing all duties forever as they now stood. Hamilton did not like this way of fixing the duties, because, he said, many articles here would bear to be raised, and therefore, he would prepare a tariff. He did so, raising duties for the French, from twenty-five to fifty per cent. So they were to give us the privileges of native subjects, and we, as a compensation, were to make them pay higher duties. Hamilton, having made his arrangements with Hammond to pretend that though he had no powers to conclude a Treaty of Commerce, yet his general commission authorized him to enter into the discussion of one, then proposed to the President, at one of our meetings, that the business should be taken up with Hammond in the same informal way. I now discovered the trap which he had laid, by first getting the President into that step with Ternant. I opposed the thing warmly. Hamilton observed, if we did it with Ternant we should also with Hammond. The President thought this reasonable. I desired him to recollect, I had been against it with Ternant, and only acquiesced under his opinion. So the matter went off as to both. His scheme evidently was, to get us engaged first with Ternant, merely that he might have a pretext to engage us on the same ground with Hammond, taking care, at the same time, by an extravagant tariff, to render it impossible we should come to any conclusion with Ternant; probably meaning, at the same time, to propose terms so favorable to Great Britain, as would attach us to that country by treaty. On one of those occasions he asserted, that our commerce with Great Britain and her colonies was put on a much more favorable footing than with France and her colonies. I therefore prepared the tabular comparative view of the footing of our commerce with those nations, which see among my papers.<sup>1</sup> See also my project of a treaty and Hamilton's tariff.

"Committed to writing March the 11th, 1792."

"It was observable, that whenever, at any of our consultations, any thing was proposed as to Great Britain, Hamilton had constantly ready something which Mr. Hammond had communicated to him, which suited the subject and proved the intimacy of their communications; insomuch, that I believe he communicated to Hammond all our views, and knew from him, in return, the views of the British Court. Many evidences of this occurred; I will state some. I delivered to the President my report of instructions for Carinichael and Short, on the subject of navigation, boundary, and commerce, and desired him to submit it to Hamilton. Hamilton made several just criticisms on different parts of it. But where I asserted that the United States had no right to alienate an inch of the territory of any State, he attacked and denied the doctrine. See my report, his note, and my answer. A few days after came to hand Kirkland's letter, informing us that the British, at Niagara, expected to run a new line between themselves and us; and the reports of Pond and Stedman, informing us it was understood at Niagara, that Captain Steven-

<sup>1</sup> See ante, p. 24.

son had been sent here by Simcoe to settle that plan with Hammond. Hence Hamilton's attack of the principle I had laid down, in order to prepare the way for this new line. See minute of March the 9th. Another proof. At one of our consultations, about the last of December, I mentioned that I wished to give in my report on commerce, in which I could not avoid recommending a commercial retaliation against Great Britain. Hamilton opposed it violently: and among other arguments, observed, that it was of more importance to us to have the posts than to commence a commercial war; that this, and this alone, would free us from the expense of the Indian wars; that it would therefore be the height of imprudence in us, while treating for the surrender of the posts, to engage in anything which would irritate them; that if we did so, they would naturally say, 'these people mean war, let us therefore hold what we have in our hands.' This argument struck me forcibly, and I said, 'if there is a hope of obtaining the posts, I agree it would be imprudent to risk that hope by a commercial retaliation. I will, therefore, wait till Mr. Hammond gives me in his assignment of breaches, and if that gives a glimmering of hope that they mean to surrender the posts, I will not give in my report till the next session.' Now, Hammond had received my assignment of breaches on the 15th of December, and about the 22d or 23d had made me an apology for not having been able to send me his counter-assignment of breaches; but in terms which showed I might expect it in a few days. From the moment it escaped my lips in the presence of Hamilton, that I would not give in my report till I should see Hammond's counter-complaint, and judge if there was a hope of the posts, Hammond never said a word to me on any occasion, as to the time he should be ready. At length, the President got out of patience, and insisted I should jog him. This I did on the 21st of February, at the President's assembly: he immediately promised I should have it in a few days, and accordingly, on the 5th of March I received it.

"Written March the 11th, 1792."

The answer, delivered by the British Minister on the 5th of March, specified many alleged infractions of the treaty by the United States—that the States had not repealed their confiscation laws; that new confiscation laws had been, in some instances, passed; that British creditors had been prevented from collecting their debts, by State laws which in some cases made property, in others paper money, at its nominal value, a legal tender in the discharge of such debts; that State courts had, by their decisions, reduced the amount of the debts in violation of the original contracts; that other State courts had refused to take cognizance of suits brought to recover these debts, etc. Hammond cited instances to prove these several allegations.

Jefferson's answer was delayed for a considerable period, as it required no little time and trouble to collect and examine the different State laws and legal decisions referred to—and then the paper, it is presumed by the President's wish, was in turn

submitted to Mr. Madison,<sup>1</sup> the Attorney-General, and the Secretary of the Treasury. It was finally delivered on the 29th of May, and was so long that it occupies no less than sixty-four octavo pages in print.<sup>2</sup> It is quite too long to admit of the insertion here of even an abstract of its contents. The gist of the reply to all allegations of an infraction of the treaty by the acts of the State jurisdictions, was that the United States Government had not power to control the State tribunals, nor had it stipulated to do so in the treaty. It had only agreed to recommend a particular line of action; and this it had performed fully and in good faith. The Secretary showed that the negotiators of the treaty, on the British side, as well as the British Ministry and Parliament, fully understood beforehand the precise force of a Congressional "recommendation" in the premises—that it "was a matter not of obligation or coercion, but of persuasion and influence merely."

But he declared that only one State had refused to comply with the Congressional recommendation altogether; that all the others had done so to "a greater or less degree, according to the circumstances and dispositions in which the events of the war had left them." In answer to the assertion that Great Britain had paid the American Royalists, "no less a sum than four millions sterling as a partial compensation for the losses they sustained," he declared that the British negotiators of the treaty "understood perfectly that no indemnification is claimable from us; that, on the contrary, we had a counter claim of indemnification to a much larger amount." And he added: "We have borne our losses. We have even lessened yours by numerous restitutions, where circumstances admitted them; and we have much the worst of the bargain by the alternative you choose to accept, of indemnifying your own sufferers, rather than ours." On the article of debts, he showed that the British commanders, in withdrawing from America, carried away a large number of negroes, in known violation of the seventh article of the Treaty, "on the fulfillment of which depended the means of paying

<sup>1</sup> In a letter to the President, May 16th, Mr. Jefferson says, without any other remark or explanation:

"Mr. Madison has favored me with some corrections for my letter to Mr. H. It is now in the hands of the Attorney-General, and shall then be submitted to Colonel Hamilton. I find that these examinations will retard the delivery of it considerably. However, delay is preferable to error."

<sup>2</sup> It is published in Mr. Jefferson's Correspondence, in both editions of his Works.

debts in proportion to the number of laborers withdrawn." He claimed that the violation of the treaty stipulation to surrender the American forts "with all convenient speed," had been so entirely disregarded, that towards the close of 1784 the Government had received official information that no orders had yet been issued for their evacuation, from whence it was inferred that no such orders had ever been given or intended.<sup>1</sup> He said that this had cut us off from our fur trade; and had secluded us from friendly intercourse with the northwestern Indians, whereby we had been involved in bloody and expensive wars. The treaty, he asserted, had therefore been first violated in points so essential by Great Britain, that the United States Government had its "election to declare it dissolved in all its articles, or to compensate itself by withholding execution of equivalent articles." He averred that the laws passed by the States impeding the collection of British debts, were actually passed in retaliation for prior and continuous British infractions; and that even waiving this justification, the legislation specially complained of by Mr. Hammond (delay of judgment, delivery of the body from execution on the delivery of property, and admitting executions to be discharged in paper money), admitted of an apology under the peculiar and difficult circumstances in which the country was placed. The State judicatures were vindicated from the charges of Mr. Hammond in tones of manly firmness. To the comparison instituted by the latter between the "impartial distribution of justice" by British tribunals towards Americans, and the conduct of the American courts towards British subjects, Mr. Jefferson cited British decisions wearing a very different aspect from the impartial one claimed, and he added: "These cases appear strong to us. If your judges have done wrong in them, we expect redress. If right, we expect explanations."

Mr. Hammond made no reply to this communication during Mr. Jefferson's continuance in office.\* When the paper was

<sup>1</sup> The forts so long retained, were Michillimackinac, Detroit, Niagara, Oswego, Oswegatchie, Point-au-Fer, Dutchman's Point, and, we believe, some others.

\* Mr. Jefferson thus mentions Mr. Hammond's reception of this paper in a letter to Mr. Madison, dated June 4th:

"Mr. Hammond has given me an answer in writing, saying, he must send my letter to his court and wait their instructions. On this I desired a personal interview, that we might consider the matter together in a familiar way. He came accordingly, yesterday, and took a solo dinner with me, during which our conversation was full, unreserved, and of a nature to inspire mutual confidence. The result was that he acknowledged explicitly

spread before the American people, it was hailed by the great body of them of all parties, as a masterly and triumphant vindication of our country. It is not too much to say that the diplomatic archives of the Republic now contain no abler State paper.

Mr. Jefferson has been accused of unrelenting hostility to England, and of correspondingly strong prejudices in favor of France. That he entertained no especial love for that haughty power which had inflicted such an immensity of woes on his country, and which had never done it an act of real kindness unless in driving exiles to it by oppression and intolerance, is unquestionably true. That he felt an active gratitude for the benefits France had conferred on the United States, that he liked the character of its people, that he warmly sympathized with efforts to establish liberal government in that and all other lands, is equally true. But as a statesman—as his country's Secretary for Foreign Affairs—where have we seen him attempt to carry an iota of these personal feelings into diplomatic transactions? His instructions to Mr. Pinckney, our Minister to Great Britain, issued a few weeks after<sup>1</sup> his letter to Mr. Hammond, should be read in this connection. The following is a paragraph from them :

"To you, sir, it will be unnecessary to undertake a general delineation of the duties of the office to which you are appointed. I shall therefore only express a desire that they be constantly exercised in that spirit of sincere friendship which we bear to the English nation, and that in all transactions with the minister, his good dispositions be conciliated by whatever in language or attentions may tend to that effect. With respect to their government, or policy, as concerning themselves or other nations, we wish not to intermeddle in word or deed, and that it be not understood that our Government permits itself to entertain either a will or opinion on the subject."

that his country had hitherto heard one side of the question only, and that from prejudiced persons; that it was now for the first time discussed, that it was placed on entirely new ground, his court having no idea of a charge of first infractions on them, and a justification on that ground of what had been done by our States; that this made it quite a new case, to which no instructions he had could apply. He found, from my expressions, that I had entertained an idea of his being able to give an order to the Governor of Canada to deliver up the posts, and smiled at the idea; and it was evident from his conversation that it had not at all entered into the expectations of his court that they were to deliver up the posts. He did not say so expressly, but he said that they considered the retaining of the posts as a very imperfect compensation for the losses their subjects had sustained: under the cover of the clause of the treaty which admits them to the navigation of the Mississippi, and the evident mistake of the negotiators in supposing that a line due west from the Lake of the Woods would strike the Mississippi, he supposed an explanatory convention necessary, and showed a desire that such a slice of our northwestern territory might be cut off for them as would admit them to the navigation and profit of the Mississippi, etc. etc. He expects he can have his final instructions by the meeting of Congress."

<sup>1</sup> July 11th.



This corresponds, in spirit, with every word ever written by him to Mr. Hammond.

It might be claimed that as a Cabinet officer he really could have little independent volition in the matter, that his official communications to ministers did not represent his individual views, but the views of the Cabinet or of the President. This is undoubtedly true to a certain extent. But, in the first place, most of Mr. Jefferson's foreign dispatches were drafted prior to any consultation in regard to their contents; and we have scarcely yet met with an instance where they were altered in detail, and never in their general tenor, on subsequent consultation. How far this remark will apply to his future dispatches, the reader is invited to keep in view.

But were the facts otherwise from what they will appear, had he represented a minority in the Cabinet on questions of foreign policy as he did on those of finance, and had the President himself leaned towards opposite views, still, who that knows General Washington's habitual inclination to conform to the earnest wishes of each head of department on the questions of his own department, can doubt that by an exhibition of pertinacity and feeling, Jefferson could have often carried some color of his partial views as between France and England into his dispatches, if he really had any disposition to do so? He was a skillful writer. Washington had little taste for controlling down to the details of verbal criticism. Many of the dispatches were seen by no eyes but his and Jefferson's. And where they came before the Cabinet, minute verbal criticisms would not be tolerated a great way, certainly not constantly, in the case of an officer whom the President desired to retain in his Cabinet. But, in truth, the President did not lean towards opposite views of foreign policy from those entertained by the Secretary of State. Circumstances occurred in regard to which they did not think alike; but no fact will appear more certain than that during Jefferson's entire stay in the Cabinet, he, in a great majority of instances—almost uniformly—carried the President's concurrence with his proposed official acts and papers; and it will appear equally certain that he carried far more of the President's confidence in his knowledge and judgment generally, in regard to the foreign relations of the country, than any other officer in that Cabinet.

We think a fair comparison between Jefferson's French and English dispatches will show that the former were often more bluntly, and where the occasion equally demanded, more menacingly written than the latter. We attribute this, however, only to the fact that the well known friendly feelings of France towards the United States required less ceremony, less circumlocution, in saying what was wished or meant by us, than did the unslacking hostility and irritable arrogance of England.

We have passed over some topics of Cabinet discussions where the characteristic differences between the Federal and Republican members exhibited themselves. Those differences were constantly increasing and becoming systematic instead of incidental. It could not be otherwise when, as the views of each side were ripened by circumstances and reflection, they came to embrace essentially different theories of the real character of the United States Constitution and Government. ✓

Jefferson, tired of his long continuance in office, and naturally disinclined to a position calling for constant personal collision and contest, had determined to retire at the end of the President's first term; but he foresaw very dangerous consequences if the President should adhere to his determination also to retire at the same time. The Secretary appears to have thought it an occasion calling for a written expression of his views not only in regard to the contemplated act, but to the important political questions of the day, which he supposed would be more or less directly influenced by that act. We give his communication entire :

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 28d, 1792.

DEAR SIR :

I have determined to make the subject of a letter what for some time past has been a subject of inquietude to my mind, without having found a good occasion of disburthening itself to you in conversation. during the busy scenes which occupied you here. Perhaps, too, you may be able in your present situation, or on the road, to give it more time and reflection than you could do here at any moment.

When you first mentioned to me your purpose of retiring from the government, though I felt all the magnitude of the event, I was in a considerable degree silent. I knew that, to such a mind as yours, persuasion was idle and impertinent; that before forming your decision you had weighed all the reasons for and against the measure, had made up your mind on full view of them, and that there could be little hope of changing the result. Pursuing my reflections, too, I knew we were

some day to try to walk alone, and if the essay should be made while you should be alive and looking on, we should derive confidence from that circumstance, and resource, if it failed. The public mind, too, was calm and confident, and therefore in a favorable state for making the experiment. Had no change of circumstances intervened, I should not, with any hopes of success, have now ventured to propose to you a change of purpose. But the public mind is no longer confident and serene; and that from causes in which you are no ways personally mixed. Though these causes have been hackneyed in the public papers in detail, it may not be amiss, in order to calculate the effect, they are capable of producing, to take a view of them in the mass, giving to each the form, real or imaginary, under which they have been presented.

It has been urged, then, that a public debt, greater than we can possibly pay, before other causes of adding new debt to it will occur, has been artificially created by adding together the whole amount of the debtor and creditor sides of accounts, instead of only taking their balances, which could have been paid off in a short time: that this accumulation of debt has taken forever out of our power those easy sources of revenue which, applied to the ordinary necessities and exigencies of government, would have answered them habitually, and covered us from habitual murmurings against taxes and tax-gatherers, reserving extraordinary calls for those extraordinary occasions which would animate the people to meet them: that though the calls for money have been no greater than we must expect generally, for the same or equivalent exigencies, yet we are already obliged to strain the impost till it produces clamor, and will produce evasion and war on our own citizens to collect it, and even resort to an *excise* law of odious character with the people, partial in its operation, unproductive unless enforced by arbitrary and vexatious means, and committing the authority of the Government in parts where resistance is most probable and coercion least practicable. They cite propositions in Congress, and suspect other projects on foot still to increase the mass of debt. They say, that by borrowing at two-thirds of the interest, we might have paid off the principal in two-thirds of the time; but that from this we are precluded by its being made irredeemable but in small portions and long terms; that this irredeemable quality was given it for the avowed purpose of inviting its transfer to foreign countries. They predict that this transfer of the principal, when completed, will occasion an exportation of three millions of dollars annually for the interest, a drain of coin, of which, as there has been no examples, no calculation can be made of its consequences: that the banishment of our coin will be complicated by the creation of ten millions of paper money, in the form of bank bills now issuing into circulation. They think the ten or twelve per cent. annual profit paid to the lenders of this paper medium taken out of the pockets of the people, who would have had without interest the coin it is banishing: that all the capital employed in paper speculation is barren and useless, producing, like that on a gaming table, no accession to itself, and is withdrawn from commerce and agriculture, where it would have produced addition to the common mass: that it nourishes in our citizens habits of vice and idleness, instead of industry and morality: that it has furnished effectual means of corrupting such a portion of the Legislature as turns the balance between the honest voters, whichever way it is directed: that this corrupt squadron, deciding the voice of the Legislature, have manifested their dispositions to get rid of the limitations imposed by the Constitution on the general Legislature, limitations on the faith of which the States acceded to that instrument: that the ultimate object of all this is to prepare the way for a change from the present

republican form of government to that of a monarchy, of which the English Constitution is to be the model: that this was contemplated in<sup>1</sup> the Convention is no secret, because its partisans have made none<sup>2</sup> of it. To effect it, then, was impracticable, but they are still eager after their object, and are predisposing everything for its ultimate attainment. So many of them have got into the Legislature, that, aided by the corrupt squadron of paper dealers, who are at their devotion, they make a majority in both houses. The republican party, who wish to preserve the government in its present form, are fewer in number; they are fewer even when joined by the two, three, or half dozen Anti-Federalists, who, though they dare not avow it, are still opposed to any general government; but, being less so to a republican than a monarchical one, they naturally join those whom they think pursuing the lesser evil.

Of all the mischiefs objected to the system of measures before mentioned, none is so afflicting and fatal to every honest hope, as the corruption of the Legislature. As it was the earliest of these measures, it became the instrument for producing the risk, and will be the instrument for producing in future a King, Lords, and Commons, or whatever else those who direct it may choose. Withdrawn such a distance from the eye of their constituents, and these so dispersed as to be inaccessible to public information, and particularly to that of the conduct of their own representatives, they will form the most corrupt government on earth, if the means of their corruption be not prevented. The only hope of safety hangs now on the numerous representation which is to come forward the ensuing year. Some of the new members will be, probably, either in principle or interest, with the present majority; but it is expected that the great mass will form an accession to the Republican party. They will not be able to undo all which the two preceding Legislatures, and especially the first, have done. Public faith and right will oppose this. But some parts of the system may be rightfully reformed, a liberation from the rest unremittingly pursued as fast as right will permit, and the door shut in future against similar commitments of the nation. Should the next Legislature take this course, it will draw upon them the whole monarchical and paper interest; but the latter, I think, will not go all lengths with the former, because creditors will never, of their own accord, fly off entirely from their debtors; therefore this is the alternative least likely to produce convulsion. But should the majority of the new members be still in the same principles with the present, and show that we have nothing to expect but a continuance of the same practices, it is not easy to conjecture what would be the result, nor what means would be resorted to for correction of the evil. True wisdom would direct that they should be temperate and peaceable; but the division of sentiment and interest happens unfortunately to be so geographical, that no mortal can say that what is most wise and temperate would prevail against what is most easy and obvious? I can scarcely contemplate a more incalculable evil than the breaking of the Union into two or more parts. Yet when we consider the mass which opposed the original coalescence; when we consider that it lay chiefly in the southern quarter: that the Legislature have availed themselves of no occasion of allaying it, but on the contrary, whenever northern and southern prejudices have come into conflict, the latter have been sacrificed and the former soothed; that the owners of the debt are in the southern, and the holders

<sup>1</sup> This word (in) is erroneously printed "by" in the Congress edition of Mr. Jefferson's Works.

<sup>2</sup> This word (none) is erroneously printed "more" in the Congress edition. (See copy from original, in Sparks's Washington, vol. x. p. 508.)

of it in the Northern division; that the Anti-Federal champions are now strengthened in argument by the fulfillment of their predictions; that this has been brought about by the monarchical Federalists themselves, who, having been for the new government merely as a stepping-stone to monarchy, have themselves adopted the very constructions of the Constitution, of which, when advocating its acceptance before the tribunal of the people, they declared it unsusceptible; that the Republican-Federalists who espoused the same government for its intrinsic merits, are disarmed of their weapons; that which they denied as prophecy, having now become true history, who can be sure that these things may not proselyte the small number which was wanting to place the majority on the other side? And this is the event at which I tremble, and to prevent which I consider your continuing at the head of affairs as of the last importance. The confidence of the whole Union is centred in you. Your being at the helm will be more than an answer to every argument which can be used to alarm and lead the people in any quarter, into violence and secession. North and South will hang together if they have you to hang on; and if the first correction of a numerous representation should fail in its effect, your presence will give time for trying others, not inconsistent with the union and peace of the States.

I am perfectly aware of the oppression under which your present office lays your mind, and of the ardor with which you pant for domestic life. But there is sometimes an eminence of character on which society have such peculiar claims as to control the predilections of the individual for a particular walk of happiness, and restrain him to that alone arising from the present and future benedictions of mankind. This seems to be your condition, and the law imposed on you by Providence in forming your character, and fashioning the events on which it was to operate; and it is to motives like these, and not to personal anxieties of mine or others who have no right to call on you for sacrifices, that I appeal, and urge a revisal of it, on the ground of change in the aspect of things. Should an honest majority result from the new and enlarged representation; should those acquiesce whose principles or interest they may control, your wishes for retirement would be gratified with less danger, as soon as that shall be manifest, without awaiting the completion of the second period of four years. One or two sessions will determine the crisis; and I cannot but hope that you can resolve to add more to the many years you have already sacrificed to the good of mankind.

The fear of suspicion that any selfish motive of continuance in office may enter into this solicitation on my part, obliges me to declare that no such motive exists. It is a thing of mere indifference to the public whether I retain or relinquish my purpose of closing my tour with the first periodical renovation of the Government. I know my own measure too well to suppose that my services contribute anything to the public confidence, or the public utility. Multitudes can fill the office in which you have been pleased to place me, as much to their advantage and satisfaction. I have, therefore, no motive to consult but my own inclination, which is bent irresistibly on the tranquil enjoyment of my family, my farm, and my books. I should repose among them, it is true, in far greater security, if I were to know that you remained at the watch; and I hope it will be so. To the inducements urged from a view of our domestic affairs, I will add a bare mention of what indeed need only to be mentioned, that weighty motives for your continuance are to be found in our foreign affairs. I think it probable that both the Spanish and English negotiations, if not completed before your purpose is known, will be suspended from the moment it is known, and that the latter nation will

then use double diligence in fomenting the Indian War. With my wishes for the future, I shall at the same time express my gratitude for the past, at least my portion of it; and beg permission to follow you, whether in public or private life, with those sentiments of sincere attachment and respect, with which I am unalterably, dear sir, your affectionate friend and humble servant.

It will be observed that the Secretary of State, speaking decorously in the third person (telling what the Republicans think and say), makes as unsparing an assault on the Treasury measures of Hamilton—on their expediency—on their designed and successful tendency to corrupt Congress—on their ultimate object to change the government into a monarchy—on the general desires and designs of the Federal leaders in the same direction—as is to be found in the *Ana*. And where he distinctly asserts that monarchical government “was contemplated in the Convention [of 1787] is no secret, because its partisans have made none of it”—and that “they are still eager after their object”—no one will doubt that he intended to be understood, and was understood by General Washington, as referring, among others, directly to some of his colleagues in the Cabinet.

The President's verbal reply to this communication is given in the *Ana*, and his dissent from many of the writer's propositions is stated with a frankness and clearness which are equally admirable. It is doubtful whether so many of General Washington's views on personal subjects, and on the important questions then agitating parties, are anywhere so unreservedly given by him—at least on a single occasion. The following is the entry :

*“July the 10th, 1792.—My letter of — to the President, directed to him at Mount Vernon, had not found him there, but came to him here. He told me of this, and that he would take an occasion of speaking with me on the subject. He did so this day. He began by observing that he had put it off from day to day, because the subject was painful; to wit, his remaining in office, which that letter solicited. He said that the declaration he had made when he quitted his military command, of never again entering into public life, was sincere. That, however, when he was called on to come forward to set the present government in motion, it appeared to him that circumstances were so changed as to justify a change in his resolution: he was made to believe that in two years all would be well in motion, and he might retire. At the end of two years he found some things still to be done. At the end of the third year, he thought it was not worth while to disturb the course of things, as in one year more his office would expire, and he was decided then to retire. Now he was told there would still be danger in it. Certainly, if he thought so, he would conquer his longing for retirement. But he feared it would be said his former professions of retirement had been mere affectation, and that he*

was like other men, when once in office he could not quit it. He was sensible, too, of a decay of his hearing, perhaps his other faculties might fall off and he not be sensible of it. That with respect to the existing causes of uneasiness, he thought there were suspicions against a particular party, which had been carried a great deal too far: there might be *desires*, but he did not believe there were *designs* to change the form of government into a monarchy: that there might be a few who wished it in the higher walks of life, particularly in the great cities; but that the main body of the people in the eastern States were as steadily for republicanism as in the southern. That the pieces lately published, and particularly in Freneau's paper, seemed to have in view the exciting opposition to the Government. That this had taken place in Pennsylvania as to the Excise Law, according to information he had received from General Hand. That they tended to produce a separation of the Union, the most dreadful of all calamities, and that whatever tended to produce anarchy, tended, of course, to produce a resort to monarchical government. He considered those papers as attacking him directly, for he must be a fool indeed to swallow the little sugar-plums here and there thrown out to him. That in condemning the administration of the Government, they condemned him, for if they thought there were measures pursued contrary to his sentiments, they must conceive him too careless to attend to them, or too stupid to understand them. That though, indeed, he had signed many acts which he did not approve in all their parts, yet he had never put his name to one which he did not think, on the whole, was eligible. That as to the Bank, which had been an act of so much complaint, until there was some infallible criterion of reason, a difference of opinion must be tolerated. He did not believe the discontents extended far from the seat of government. He had seen and spoken with many people in Maryland and Virginia in his late journey. He found the people contented and happy. He wished, however, to be better informed on this head. If the discontents were more extensive than he supposed, it might be that the desire that he should remain in the Government was not general.

"My observations to him tended principally to enforce the topics of my letter. I will not, therefore, repeat them, except where they produced observations from him. I said that the two great complaints were, that the national debt was unnecessarily increased, and that it had furnished the means of corrupting both branches of the Legislature; that he must know, and everybody knew, there was a considerable squadron in both, whose votes were devoted to the paper and stock-jobbing interest, that the names of a weighty number were known, and several others suspected on good grounds. That on examining the votes of these men, they would be found uniformly for every Treasury measure, and that as most of these measures had been carried by small majorities, they were carried by these very votes. That, therefore, it was a cause of just uneasiness, when we saw a Legislature legislating for their own interests, in opposition to those of the people. He said not a word on the corruption of the Legislature, but took up the other point, defended the Assumption, and argued that it had not increased the debt, for that all of it was honest debt. He justified the Excise Law, as one of the best laws which could be passed, as nobody would pay the tax who did not choose to do it. With respect to the increase of the debt by the Assumption, I observed to him, that what was meant and objected to was, that it increased the debt of the General Government, and carried it beyond the possibility of payment. That if the balances had been settled, and the debtor States directed to pay their deficiencies to the creditor States, they would have done it easily, and by resources of taxation in their power, and

acceptable to the people; by a direct tax in the South, and an excise in the North. Still, he said, it would be paid by the people. Finding him decided, I avoided entering into argument with him on those points."

On the 1st of June, the Secretary of State wrote Admiral John Paul Jones, notifying him of his appointment as a secret commissioner to negotiate for the ransom of the American prisoners in Algiers, with the commission of Consul until the next session of Congress, and with the intimation that he would then be nominated to the position permanently, if he chose to accept it. The Secretary's letter was sent out by Mr. Pinckney, but before it reached its destination, the wild and varied life-cruise of the daring mariner was over. This man of many follies, but of a more than compensating genius—this naval commander, holding a midway position between a great admiral and one of those fierce ancient ocean-rovers, who sought victory in wild and desperate hand-to-hand encounters on the decks of grappled ships—this wandering adventurer through many climes, now consorting with princes, and now reduced to the verge of absolute want—had at last, with his visions of glory all faded, died obscurely, but not, as it has been often alleged, in destitution, in Paris, on the 18th of July, 1792. The National Assembly of France passed resolutions in his honor, and deputed a delegation from their number to attend his remains with every circumstance of respect to the grave. It is not, probably, to be doubted that Jones received his last American commission at the instance of Jefferson; and we confess it has given us sincere pleasure to be enabled to record that all of Jefferson's deportment towards him, while acting as French Minister, and while Secretary of State, was most respectful and kind, indicating admiration of his talents, and perfect confidence in his integrity and discretion.<sup>1</sup> Again and again he confided trusts to Jones, which imperatively demanded these qualifications, and he never had occasion to regret his confidence. He always looked to him as the man who was destined to lead our navy in that "clearing-up storm" of war which he believed must come with England—and Jones himself refused an Admiral's commission in the fleets of Russia, except on the condition that he might at any time be permitted to retire at the call of his

<sup>1</sup> A bust of Jones always occupied an honorable place among those of other patriots and heroes at Monticello. We think it was the gift of Jones himself.



adopted country. He died at heart, as he described himself in his will, "a citizen of the United States of America!"

Jefferson wrote to General Lafayette, June 16th:

"Behold you, then, my dear friend, at the head of a great army establishing the liberties of your country against a foreign enemy. May Heaven favor your cause, and make you the channel through which it may pour its favors. While you are estimating<sup>1</sup> the monster Aristocracy, and pulling out the teeth and fangs of its associate, Monarchy, a contrary tendency is discovered in some here. A sect has shown itself among us, who declare they espoused our new Constitution not as a good and sufficient thing in itself, but only as a step to an English Constitution, the only thing good and sufficient in itself, in their eye. It is happy for us that these are preachers without followers, and that our people are firm and constant in their republican purity. You will wonder to be told that it is from the eastward chiefly that these champions for a King, Lords, and Commons come. They get some important associates from New York, and are puffed up by a tribe of Agioteurs which have been hatched in a bed of corruption made up after the model of their beloved England. Too many of these stock-jobbers and king-jobbers have come into our Legislature, or rather too many of our Legislature have become stock-jobbers and king-jobbers. However, the voice of the people is beginning to make itself heard, and will probably cleanse their seats at the ensuing election."

He wrote three or four days afterwards to Joel Barlow, who had been for some time in France:

"Though I am in hopes you are now on the ocean, home-bound, yet I cannot omit the chance of my thanks reaching you, for your "Conspiracy of Kings" and advice to the privileged orders, the second part of which I am in hopes is out by this time. Be assured that your endeavors to bring the trans-Atlantic world into the road of reason, are not without their effect here. Some here are disposed to move retrograde, and to take their stand in the rear of Europe, now advancing to the high ground of natural right. \* \* \* God send that all the nations who join in attacking the liberties of France may end in the attainment of their own."

The flames of partisan feeling now burned brightly throughout the whole length and breadth of the United States. There was not probably a neighborhood so remote from the centres of population, so isolated by surrounding wildernesses, that the people were not arrayed, or were not arraying themselves, on the side of the Federalists or Republicans. In the eastern States the former had almost exclusive control—in the southern, the latter. The middle States were the debatable ground. The Federalists, led by the Secretary of the Treasury, had hitherto maintained undisputed ascendancy in Congress. The Treasury schemes had continued to receive new "props," and an attempt

<sup>1</sup> Misprint doubtless for "extirpating."

to prevent this department from assuming the origination of nearly all the important interior measures of the Government—under the name of reporting plans for the improvement and management of the revenue, and for the support of the public credit—had been defeated. Hamilton's influence, supported by the overwhelming popularity of the President's name, was completely paramount in Congress.

In July, a series of published attacks was commenced on Mr. Jefferson in the *Gazette of the United States*, the leading Federal paper in Philadelphia. The first was a short article over the signature of T. L., asking whether the editor of the *National Gazette* (Philip Freneau—Translating-Clerk in the office of the Secretary of State) received a salary for translations, or for publications, "the design of which was to vilify those to whom the voice of the people had committed the administration of our public affairs—to oppose the measures of Government, and, by false insinuations, to disturb the public peace?" The article further remarked, that "in common life it was thought ungrateful for a man to bite the hand that put bread in his mouth; but if the man was hired to do it, the case was altered."<sup>1</sup> A second article soon after (August 4th) appeared, over the signature of "An American," explicitly charging that "a paper more devoted to the views of a certain party, of which Mr. Jefferson was the head, than any to be found in" Philadelphia, "was wanted"—that "Mr. Freneau was thought a fit instrument"—that a negotiation was opened with him—that he "came here [Philadelphia] at once editor of the *National Gazette* and clerk for foreign languages in the department of Mr. Jefferson, Secretary of State" that it was a new experiment "in the history of political manœuvres in this country," to have "a newspaper instituted by a public officer, and the editor of it regularly pensioned with the public money in the disposal of that officer"—that Freneau was not an independent editor, but "the faithful and devoted servant of the head of a party, from whose hands he received the boon"—that "the whole complexion of his paper exhibited a decisive internal evidence of the influence of that patronage under which he acted." A position is then assumed by "An American," which we will transcribe entire, as it has furnished the text for never-ending paraphrases,

<sup>1</sup> See Hamilton's Works for the article, vol. vii p. 5.

and as it presents a point against Mr. Jefferson which, unless the circumstances are weighed with something more than ordinary care, may seem to be well taken. It is as follows :

"But it may be asked—is it possible that Mr. Jefferson, the head of a principal department of the Government, can be the patron of a paper, the evident object of which is to decry the Government and its measures? If he disapproves of the Government itself, and thinks it deserving of his opposition, can he reconcile it to his own personal dignity, and the principles of probity, to hold an office under it, and employ the means of official influence in that opposition? If he disapproves of the leading measures which have been adopted in the course of its administration, can he reconcile it with the principles of delicacy and propriety, to hold a place in that administration, and at the same time to be instrumental in vilifying measures which have been adopted by majorities of both branches of the Legislature, and sanctioned by the chief magistrats of the Union?"<sup>1</sup>

The paper then specifically alleges that "while the Constitution of the United States was depending before the people of this country," Mr. Jefferson "was opposed to it in some of its most important features, and wrote his objections to some of his friends in Virginia"—that "he at first went so far as to discountenance its adoption, though he afterwards recommended it, on the ground of expediency in certain contingencies." 2d. That he was the "declared opponent of almost all the important measures which have been devised by the Government," including the provision "made for the public debt, the United States Bank," and "such other measures as related to the public credit, and the finances of the United States." An eloquent appeal is then made to the American people to know whether they will sustain their existing institutions and laws—"their present Constitution," the "national union," etc., or whether they are willing to see it all "frittered away,"—whether they are persuaded "that nations are under no ties of moral obligation, that public credit is useless or something worse—that public debts may be paid or cancelled at pleasure"—and "that when a provision is not likely to be made for them [the public debts] the discontent to be expected from the omission may honestly be transferred from a government able to vindicate its rights to the breasts of individuals who may first be encouraged to become the substitutes to the original creditors, and may afterwards be defrauded without danger." It is then remarked in a

<sup>1</sup> Italicized in original.

<sup>2</sup> This charge of an attempt to transfer the debt due to France to private holders is

note: "such was the advice given to Congress by Mr. Jefferson, when Minister Plenipotentiary to the Court of France, respecting the debt due to the French nation. "An American" adds:

"If to national union, national respectability, public order, and public credit, they are willing to substitute national disunion, national insignificance, public disorder and discredit, then let them unite their acclamations and plaudits in favor of Mr. Jefferson; let him be the toast of every political club, and the theme of every popular huzza; for to those points, without examining his motives, do the real or pretended political tenets of that gentleman most assuredly tend.

"These strictures are made from a conviction that it is important to the people to know the characters intrusted with their public affairs.

"As Mr. Jefferson is emulous of being the head of a party whose politics have ever aimed at depressing the national authority, let him enjoy all the glory and all the advantage of it. But let it at the same time be understood by those who are persuaded that the real and permanent welfare of the country is to be promoted by other means, that such are the views by which he is actuated."<sup>1</sup>

Upon the appearance of this, Freneau published an affidavit to the effect that Mr. Jefferson had nothing to do with the establishment of his paper, or with his coming to Philadelphia—that he had nothing to do whatever with the management of the paper, and had neither influenced nor attempted to influence it—and that he had never directly or indirectly written, dictated, or composed a single line for it.<sup>2</sup>

"An American" published a second article (August 11th). He wholly discredited Freneau's oath—declaring that "facts spoke louder than words, and under certain circumstances louder than oaths,"—that "the editor of the National Gazette must not think to swear away their efficacy"—that "if he was truly, as they announced, *the pensioned tool of the public character who had been named, no violation of truth in any shape ought to astonish*; equivocations and mental reservations were the too common refuge of minds struggling to escape from disgraceful imputations." An argument is then gone into to show that Jefferson did really establish the National Gazette through a "particular friend," and that the "inference" which sustains this fact is "irresistible." Among the other proofs offered of this is the one, that "to every man who approached that

Holland, so that the latter may be "defrauded without danger," is not very clearly expressed, but we have preferred to adhere to the phraseology in which Hamilton first publicly brought forward this allegation against Jefferson.

<sup>1</sup> For the article entire, see Hamilton's Works, vol. vii. p. 5.

<sup>2</sup> The affidavit is not before us. We take these statements from Hamilton's answer to them.

officer" "he arraigned the principal measures of the Government" with "indiscreet, if not indecent warmth." The article closes with the explicit avowal that "its strictures, though involving Mr. Freneau, it should be confessed, had been drawn forth principally with a view to a character of greater importance to the community," that "they aimed at explaining a public officer, who had too little scruples to embarrass and disparage the Government of which he was a member, and who had been the prompter, open or secret, of unwarrantable aspersions on men,"<sup>1</sup> etc.

On Freneau's declining further to answer these attacks, on the ground that they were mere "personal charges," "An American" declared this "a mere subterfuge" to escape from accusations "substantiated by facts."<sup>2</sup>

After a lull in this storm of invective for a few weeks, the same writer returned to the assault on Mr. Jefferson in a series of much more elaborate articles than those already noticed. They were published in the (Philadelphia) Gazette of the United States, over the signature of "Catullus," were six in number, and extended to the close of the year. They appeared formally, as an answer to a writer who signed himself Aristides, and who undertook to defend the Secretary of State.

The first of these, published September 15th, recapitulated and reiterated all the former charges of "An American." The second (September 19th), undertook, at great length, to demonstrate that Mr. Jefferson was originally, avowedly, and continued substantially, opposed to the Constitution. The third (September 29th) specified what were Mr. Jefferson's "unwarrantable aspersions," by referring to his note to J. B. Smith, prefixed to the "Rights of Man." It assumed that "the opportunity was eagerly seized to answer the double purpose of wounding a competitor, and of laying in an additional stock of popularity"—that "the javelin went directly to its destination"—that it being, however, "quickly perceived that discerning and respectable men disapproved the step," "protestations and excuses as frivolous as awkward were multiplied to veil the real design." The following are passages from the paper:

<sup>1</sup> For the article entire, see Hamilton's Works, vol. vii. p. 10.

<sup>2</sup> This paper was dated August 18th. See *ibid.* vol. vii. p. 16.

"Does all this ['persecution' of Mr. Adams] proceed from motives purely disinterested and patriotic? Can none of a different complexion be imagined, that may at least have operated to give a stimulus to patriotic zeal?

"No. Mr. Jefferson has hitherto been distinguished as the quiet, modest, retiring philosopher; as the plain, simple, unambitious Republican. He shall not now, for the first time, be regarded as the intriguing incendiary, the aspiring turbulent competitor.

"How long it is since that gentleman's real character may have been divined, or whether this is only the first time, that the secret has been disclosed, I am not sufficiently acquainted with the history of his political life to determine; but there is always a 'first time' when characters studious of artful disguises are unveiled; when the visor of stoicism is plucked from the brow of the epicurean; when the plain garb of quaker simplicity is stripped from the concealed voluptuary; when Cæsar, coyly refusing the proffered diadem, is seen to be Cæsar rejecting the trappings, but tenaciously grasping the substance of imperial domination."

The fourth and sixth articles of "Catullus,"<sup>1</sup> press and give circumstantiality to the charge that Mr. Jefferson sought, in substance, to defraud a company of Hollanders in regard to the French debt; and the "turpitude of the advice" he gave his Government on that occasion is assumed to be demonstrated, and the defence offered by Aristides is pronounced a "wretched apology." Nearly all of Catullus's articles repeat and ring changes on *all* his allegations. The replies of Aristides are not before us, nor have we supposed them of any consequence, in the present connection, inasmuch as nobody pretends they emanated from Mr. Jefferson.

It will be observed these charges involve falsehood, treachery to the administration, a desire to repudiate the public obligations, and intentional and contrived turpitude in a business transaction. The direct or implied charge of falsehood is again and again repeated. An intimation that Mr. Jefferson will be afforded satisfaction on a different field than the newspapers, should he desire it, would appear to be not obscurely hinted.<sup>2</sup>

Colonel Hamilton was at once generally understood to be the author of these attacks; and they are now published as his

<sup>1</sup> October 17th; December 26th. (The 5th appeared November 24th.)

<sup>2</sup> In "Catullus's" first article, in addressing himself to Aristides, he said:

"The discussion will be taken up and pursued by one, who is *willing to be responsible* for the allegations he shall make, and who *consequently will not refuse to be known on proper terms.* TO THE OFFICER CONCERNED. It is, however, not meant to invite inquiry on that head. It is most advisable that none should be made. For any public purpose, none will be requisite. For any personal one, none will be proper. What shall be said, will merely apply to public conduct, and will be supported by proof and argument." Hamilton's Works, vol. vii. p. 34.

own in the authorized collection of his writings. His contemporaneous private correspondence shows that he made strenuous exertions to find something like proof of his bold allegation that Philip Freneau swore to a falsehood, when he swore that Jefferson had nothing to do with the establishment of his paper. To Elisha Boudinot and Jonathan Dayton—who appear to have been his principal informants in the transaction—he wrote for proofs to “confound and put down a man (Jefferson) who was continually machinating against the public happiness.”<sup>1</sup> Neither attempted to furnish any such proofs; and the only information of importance he obtained in regard to establishing the paper, was from Dayton, who received it from one of the publishers of the paper, that Mr. Madison had negotiated with Freneau to establish and conduct it. So far as we can now discover, this is the only circumstance on which Hamilton felt himself authorized publicly to assume that Freneau had been instigated by a “public character” to commit, and had actually committed a perjury. He appears to have supposed that Mr. Madison, as well as Freneau, must have necessarily acted in the capacity of “a tool.”

Professor Tucker gives a statement,<sup>2</sup> authorized by Mr. Madison, of the establishment of the National Gazette, which coincides with the following from Mr. Trist’s memoranda :

“MONTPELLIER, Friday, May 25th, 1827.

“Mr. Madison said : ‘Freneau’s paper was another cause of soreness in General Washington. Among its different contributors, some were actuated by overheated zeal, and some, perhaps, by malignity. Every effort was made in Fenno’s paper, and by those immediately around him (Washington) to impress on his mind a belief that this paper had been got up by Mr Jefferson to injure him and oppose the measures of his administration. Freneau himself was an old college mate of mine, a poet and man of literary and retired tastes, knowing nothing of the world. He was a French scholar, and employed at first as translator. Henry Lee, who was also his college mate, and had also a friendly feeling for him, was the more immediate cause of his establishing a paper. Our main object in encouraging it, was to provide an antidote against Fenno’s paper, which was devoted to monarchy, and had begun to publish extracts from Mr. Adams’s book. I used occasionally to throw in an article, all of which I have marked, and some of which I have shown you, with a view chiefly to counteract the *monarchical spirit* and *partisanship* of

<sup>1</sup> Hamilton’s letter to Boudinot was dated August 13th, and Boudinot’s reply, August 18th. Dayton’s reply (Hamilton’s letter to him is not given) is dated Aug. 26th. All these are given in the 5th vol. of Hamilton’s Works.

<sup>2</sup> Life of Jefferson, vol. i. p. 393—note.

*the British Government* which characterized Fenno's paper. I never engaged in the party criminations.'

"The foregoing (writes Mr. Trist) is written immediately after the conversation, which has not lasted half an hour. Mr. Madison having stepped out, and I taking advantage of this interruption to retire to my room and commit the substance to paper. The *very words* I have retained as near as I could. In many instances (where I have run a line over the words), I have done this exactly."

The Henry Lee here referred to was General H. Lee, then Governor of Virginia, afterwards a violent Federalist—and who always avowed particular friendship for General Washington, and always showed anything but friendship for Mr. Jefferson. He was the author of the *Memoirs of the War in the Southern Department*, the statements of which, in regard to Mr. Jefferson, we have had occasion to notice.

Freneau, all will understand, is the American poet of that name, whose Revolutionary and other ballads once had considerable notoriety. He was always a warm, and after the period of which we write, became a violent partisan. It is but justice to his memory, however, to say that his honor and his veracity as a man were never questioned by those who knew him, and that his reputation in these particulars is now as free from all taint of suspicion as is that of any of the distinguished gentlemen whose names were associated with his in the controversy we are recording.

Jefferson was in Virginia when this series of attacks on him began, and until they approached their completion. He set out for home on the 13th of July, and did not return to Philadelphia until the 5th of October.

Here are such portions of his family correspondence, since his preceding visit home, as are in our possession :

TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, *January 15th, 1792.*

MY DEAR MARTHA :

Having no particular subject for a letter, I find none more soothing to my mind than to indulge itself in expressions of the love I bear you, and the delight with which I recall the various scenes through which we have passed together in our wanderings over the world. These reveries alleviate the toils and inquietudes of my present situation, and leave me always impressed with the desire of being at home once more, and of exchanging labor, envy and malice, for ease, domestic occupation and domestic love and society ; where I may once more be happy with you, with Mr. Randolph. and dear little Anne, with whom even Socrates might ride on a stick without being ridiculous. Indeed it is with difficulty that my resolution will bear me through what yet lies between the present day and that which, on mature considera



tion of all circumstances respecting myself and others, my mind has determined to be the proper one for relinquishing my office. Though not very distant, it is not near enough for my wishes. The ardor of these, however, would be abated, if I thought that on coming home I should be left alone. On the contrary, I hope that Mr. Randolph will find a convenience in making only leisurely preparations for a settlement, and that I shall be able to make you both happier than you have been at Monticello, and relieve you of *désagréments* to which I have been sensible you were exposed, without the power in myself to prevent it, but by my own presence. Remember me affectionately to Mr. Randolph, and be assured of the tender love of

Yours,

TH. JEFFERSON.

TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, February 26, 1792.

MY DEAR MARTHA:

We are in daily expectation of hearing of your safe return to Monticello, and all in good health. The season is now coming on when I shall envy you your occupations in the fields and garden, while I am shut up drudging within four walls. Maria is well and lazy, therefore does not write. Your friends Mrs. Trist and Mrs. Waters are well also, and often inquire after you. We have nothing new and interesting from Europe for Mr. Randolph. He will perceive by the papers that the English are beaten off the ground by Tippo Saib. The Leyden Gazette assures that they were saved only by the unexpected arrival of the Mahrattas, who were suing to Tippo Saib for peace for Lord Cornwallis. My best esteem to Mr. Randolph, and am, my dear Martha,

Yours affectionately,

TH. JEFFERSON.

TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, June 22d, 1792.

MY DEAR MARTHA:

Yours of May 27th came to hand on the very day of my last to you, but after it was gone off. That of June 11 was received yesterday. Both made us happy in informing us you were all well. The rebuke to Maria produced the inclosed letter. The time of my departure for Monticello is not yet known. I shall, within a week from this time, send off my stores as usual, that they may arrive before me. So that should any wagons be going down from the neighborhood, it would be well to desire them to call on Mr. Brown in order to take up the stores should they be arrived. I suspect, by the account you give me of your garden, that you mean a surprise, as good singers always preface their performances by complaints of cold, hoarseness, etc. Maria is still with me. I am endeavoring to find a good lady to put her with if possible. If not, I shall send her to Mrs. Brodeaux, as the last shift. Old Mrs. Hopkinson is living in town, but does not keep house. I am in hopes you have visited young Mrs. Lewis, and borne with the old one, so as to keep on visiting terms. Sacrifices and suppressions of feeling in this way cost much less pain than open separation. The former are soon over: the latter haunt the peace of every day of one's life, be that ever so long. Adieu, my dear, with my best affections to Mr. Randolph. Anne enjoys them without valuing them

TH. JEFFERSON.

As already remarked, the paternity of Hamilton's anonymous attacks on Jefferson, in the Gazette of the United States, was at once understood. An open feud in his Cabinet, carried to such extraordinary lengths, gave great mortification, not to say political alarm, to the President. He wrote Jefferson a long business letter on the 23d of August, containing the following passages on personal topics :

"How unfortunate, and how much to be regretted is it, then, that while we are encompassed on all sides with avowed enemies, and insidious friends, internal dissensions should be harrowing and tearing our vitals. The latter to me is the most serious, the most alarming, and the most afflicting of the two ; and without more charity for the opinions and acts of one another in governmental matters, or some more infallible criterion by which the truth of speculative opinions, before they have undergone the test of experience, are to be forejudged, than has yet fallen to the lot of fallibility, I believe it will be difficult, if not impracticable, to manage the reins of government, or to keep the parts of it together ; for if instead of laying our shoulders to the machine after measures are decided on, one pulls this way and another that, before the utility of the thing is fairly tried, it must inevitably be torn asunder ; and in my opinion the fairest prospect of happiness and prosperity that ever was presented to man, will be lost, perhaps, forever.

"My earnest wish, and my fondest hope, therefore, is, that instead of wounding suspicions and irritating charges, there may be liberal allowances, mutual forbearances, and temporizing yieldings on all sides. Under the exercise of these, matters will go on smoothly, and, if possible, more prosperously. Without them everything must rub ; the wheels of government will clog ; our enemies will triumph, and, by throwing their weight into the disaffected scale, may accomplish the ruin of the goodly fabric we have been erecting.

"I do not mean to apply this advice or these observations to any particular person or character. I have given them in the same general terms to other officers of the Government ; because the disagreements, which have arisen from difference of opinions, and the attacks which have been made upon almost all the measures of Government, and most of its executive officers, have for a long time past filled me with painful sensations, and cannot fail, I think, of producing unhappy consequences at home and abroad."

Three days afterwards, the President wrote Hamilton to the same general purpose, but a little more pointedly ; and in the following paragraph reference would seem to be distinctly enough had to the articles of "An American," which had just made their appearance :

"Having premised these things, I would fain hope that liberal allowance will be made for the political opinions of each other ; and instead of those wounding suspicions and irritating charges, with which some of our Gazettes are so strongly impregnated, and which cannot fail, if persevered in, of pushing matters to extremity, and thereby tearing the machine asunder, that there may be mutual forbearance and temporizing yielding on all sides."

On the 9th of September, Mr. Jefferson replied to the President from Monticello :

"I now take the liberty of proceeding to that part of your letter wherein you notice the internal dissensions which have taken place within our government, and their disagreeable effect on its movements. That such dissensions have taken place is certain, and even among those who are nearest to you in the administration. To no one have they given deeper concern than myself; to no one equal mortification at being myself a part of them. Though I take to myself no more than my share of the general observations of your letter, yet I am so desirous ever that you should know the whole truth, and believe no more than the truth, that I am glad to seize every occasion of developing to you whatever I do or think relative to the Government; and shall, therefore, ask permission to be more lengthy now than the occasion particularly calls for, or could otherwise perhaps justify.

"When I embarked in the Government, it was with a determination to intermeddle not at all with the Legislature, and as little as possible with my co-departments. The first and only instance of variance from the former part of my resolution, I was duped into by the Secretary of the Treasury, and made a tool for forwarding his schemes, not then sufficiently understood by me; and of all the errors of my political life, this has occasioned me the deepest regret.<sup>1</sup> It has ever been my purpose to explain this to you, when, from being actors on the scene, we shall have become uninterested spectators only. The second part of my resolution has been religiously observed with the War department; and as to that of the Treasury, has never been further swerved from than by the mere enunciation of my sentiments in conversation, and chiefly among those who, expressing the same sentiments, drew mine from me. If it has been supposed that I have ever intrigued among the members of the Legislature to defeat the plans of the Secretary of the Treasury, it is contrary to all truth. As I never had the desire to influence the members, so neither had I any other means than my friendships, which I valued too highly to risk by usurpation on their freedom of judgment, and the conscientious pursuit of their own sense of duty. That I have utterly, in my private conversations, disapproved of the system of the Secretary of the Treasury, I acknowledge and avow; and this was not merely a speculative difference. His system flowed from principles adverse to liberty, and was calculated to undermine and demolish the Republic, by creating an influence of his department over the members of the Legislature. I saw this influence actually produced, and its first fruits to be the establishment of the great outlines of his project by the votes of the very persons who, having swallowed his bait, were laying themselves out to profit by his plans; and that had these persons withdrawn, as those interested in a question ever should, the vote of the disinterested majority was clearly the reverse of what they made it. These were no longer the votes, then, of the representatives of the people, but of deserters from the rights and interests of the people; and it was impossible to consider their decisions, which had nothing in view but to enrich themselves, as the measures of the fair majority, which ought always to be respected. If what was actually doing begot uneasiness in those who wished for virtuous government, what was further proposed was not less threatening to the friends of the Constitution. For, in a report on the subject of manufactures (still

<sup>1</sup> The Assumption is here referred to; see vol. i. p. 609.

to be acted on), it was expressly assumed that the General Government has a right to exercise all powers which may be for the *general welfare*, that is to say, all the legitimate powers of government; since no government has a legitimate right to do what is not for the welfare of the governed. There was, indeed, a sham limitation of the universality of this power *to cases where money is to be employed*. But about what is it that money cannot be employed? Thus the object of these plans, taken together, is to draw all the powers of government into the hands of the general Legislature, to establish means for corrupting a sufficient corps in that Legislature to divide the honest votes, and preponderate, by their own, the scale which suited, and to have the corps under the command of the Secretary of the Treasury, for the purpose of subverting, step by step, the principles of the Constitution, which he has so often declared to be a thing of nothing, which must be changed. Such views might have justified something more than mere expressions of dissent, beyond which, nevertheless, I never went. Has abstinence from the department committed to me, been equally observed by him? To say nothing of other interferences equally known, in the case of the two nations with which we have the most intimate connections, France and England, my system was to give some satisfactory distinctions to the former, of little cost to us, in return for the solid advantages yielded us by them; and to have met the English with some restrictions which might induce them to abate their severities against our commerce. I have always supposed this coincided with your sentiments. Yet the Secretary of the Treasury, by his cabals with members of the Legislature, and by high-toned declamations on other occasions, has forced down his own system, which was exactly the reverse. He undertook, of his own authority, the conferences with the ministers of those two nations, and was, on every consultation, provided with some report of a conversation with the one or the other of them, adapted to his views. These views, thus made to prevail, their execution fell, of course, to me; and I can safely appeal to you, who have seen all my letters and proceedings, whether I have not carried them into execution as sincerely as if they had been my own, though I ever considered them as inconsistent with the honor and interest of our country. That they have been inconsistent with our interest is but too fatally proved by the stab to our navigation given by the French. So that if the question be, by whose fault is it that Colonel Hamilton and myself have not drawn together? the answer will depend on that to two other questions, whose principles of administration best justify, by their purity, conscientious adherence? and which of us has, notwithstanding, stepped farthest into the control of the department of the other?

"To this justification of opinions, expressed in the way of conversation, against the views of Colonel Hamilton, I beg leave to add some notice of his late charges against me in *Fenno's Gazette*; for neither the style, matter, nor venom of the pieces alluded to, can leave a doubt of their author. Spelling my name and character at full length to the public, while he conceals his own under the signature of 'An American,' he charges me, 1st. With having written letters from Europe to my friends to oppose the present Constitution, while depending. 2d. With a desire of not paying the public debt. 3d. With setting up a paper to decry and slander the Government. 1st. The first charge is most false. No man in the United States, I suppose, approved of every tittle in the Constitution: no one, I believe, approved more of it than I did, and more of it was certainly disapproved by my accuser than by me, and of its parts most vitally republican. Of this the few letters I wrote on the subject (not half a dozen, I believe) will be a proof; and for my own satisfaction and justification, I must tax you with the reading of them

when I return to where they are. You will there see that my objection to the Constitution was, that it wanted a bill of rights securing freedom of religion, freedom of the press, freedom from standing armies, trial by jury, and a constant habeas corpus act. Colonel Hamilton's was, that it wanted a king and house of lords. The sense of America has approved my objection and added the bill of rights, not the king and lords. I also thought a longer term of service, insusceptible of renewal, would have made a President more independent. My country has thought otherwise, I have acquiesced implicitly. He wishes the General Government should have power to make laws binding the States in all cases whatsoever. Our country has thought otherwise: has he acquiesced? Notwithstanding my wish for a bill of rights, my letters strongly urged the adoption of the Constitution, by nine States at least, to secure the good it contained. I at first thought\*that the best method of securing the bill of rights would be for four States to hold off till such a bill should be agreed to. But the moment I saw Mr. Hancock's proposition to pass the Constitution as it stood, and give perpetual instructions to the representatives of every State to insist on a bill of rights, I acknowledged the superiority of his plan, and advocated universal adoption. 2d. The second charge is equally untrue. My whole correspondence while in France, and every word, letter and act on the subject since my return, prove that no man is more ardently intent to see the public debt soon and sacredly paid off than I am. This exactly marks the difference between Colonel Hamilton's views and mine, that I would wish the debt paid tomorrow; he wishes it never to be paid, but always to be a thing wherewith to corrupt and manage the Legislature. 3d. I have never inquired what number of sons, relatives and friends of Senators, Representatives, printers or other useful partisans Colonel Hamilton has provided for among the hundred clerks of his department, the thousand excisemen, at his nod, and spread over the Union; nor could ever have imagined that the man who has the shuffling of millions backwards and forwards from paper into money and money into paper, from Europe to America and America to Europe, the dealing out of treasury secrets among his friends in what time and measure he pleases, and who never slips an occasion of making friends with his means, that such an one, I say, would have brought forward a charge against me for having appointed the poet, Freneau, translating clerk to my office, with a salary of two hundred and fifty dollars a year. That fact stands thus. While the Government was at New York I was applied to on behalf of Freneau to know if there was any place within my department to which he could be appointed. I answered there were but four clerkships, all of which I found full, and continued without any change. When we removed to Philadelphia, Mr. Pintard, the translating clerk, did not choose to remove with us. His office then became vacant. I was again applied to there for Freneau, and had no hesitation to promise the clerkship for him. I cannot recollect whether it was at the same time, or afterwards, that I was told he had a thought of setting up a newspaper there. But whether then, or afterwards, I considered it a circumstance of some value, as it might enable me to do, what I had long wished to have done, that is, to have the material parts of the *Leyden Gazette* brought under your eye, and that of the public, in order to possess yourself and them of a juster view of the affairs of Europe than could be obtained from any other public source. This I had ineffectually attempted through the press of Mr. Fenno, while in New York, selecting and translating passages myself at first, then having it done by Mr. Pintard, the translating clerk, but they found their way too slowly into Mr. Fenno's papers. Mr. Bache essayed it for me in Philadelphia, but his being a daily paper, did not circu-

late sufficiently in the other States. He even tried, at my request, the plan of a weekly paper of recapitulation from his daily paper, in hopes that that might go into the other States, but in this too we failed. Freneau, as translating clerk, and the printer of a periodical paper likely to circulate through the States (uniting in one person the parts of Pintard and Fenno), revived my hopes that the thing could at length be effected. On the establishment of his paper, therefore, I furnished him with the *Leyden Gazette*, with an expression of my wish that he could always translate and publish the material intelligence they contained, and have continued to furnish them from time to time, as regularly as I received them. But as to any other direction or indication of my wish how his press should be conducted, what sort of intelligence he should give, what essays encourage, I can protest, in the presence of Heaven, that I never did by myself, or any other, or indirectly, say a syllable, nor attempt any kind of influence. I can further protest, in the same awful presence, that I never did, by myself, or any other, directly or indirectly, write, dictate or procure any one sentence or sentiment to be inserted in *his*, or any other *gazette*, to which my name was not affixed, or that of my office. I surely need not except here a thing so foreign to the present subject as a little paragraph about our Algerine captives, which I put once into Fenno's paper. Freneau's proposition to publish a paper, having been about the time that the writings of Publicola, and the discourses on Davila, had a good deal excited the public attention, I took for granted from Freneau's character, which had been marked as that of a good Whig, that he would give free place to pieces written against the aristocratical and monarchical principles these papers had inculcated. This having been in my mind, it is likely enough I may have expressed it in conversation with others, though I do not recollect that I did. To Freneau I think I could not, because I had still seen him but once, and that was at a public table, at breakfast, at Mrs. Elsworth's, as I passed through New York the last year. And I can safely declare that my expectations looked only to the chastisement of the aristocratical and monarchical writers, and not to any criticisms on the proceedings of Government. Colonel Hamilton can see no motive for any appointment, but that of making a convenient partisan. But you, sir, who have received from me recommendations of a Rittenhouse, Barlow, Paine, will believe that talents and science are sufficient motives with me in appointments to which they are fitted; and that Freneau, as a man of genius, might find a preference in my eye to be a translating clerk, and make good title to the little aids I could give him as the editor of a gazette, by procuring subscriptions to his paper, as I did some before it appeared,<sup>1</sup> and as I have with pleasure done for the labors of other men of genius. I hold it to be one of the distinguishing excellences of elective over hereditary successions, that the talents which nature has provided in sufficient proportion, should be selected by the society for the government of their affairs, rather than that this should be transmitted through the loins of knaves and fools, passing from the debauches of the table to those of the bed. Colonel Hamilton, alias 'Plain Facts,' says, that Freneau's salary began before he resided in Philadelphia. I do not know what quibble he may have in reserve on the word 'residence.' He may mean to include under that idea the removal of his family; for I believe he removed himself before his family did, to Philadelphia. But no act of mine gave commencement to his salary before he so far took up his abode in Philadelphia, as to be sufficiently in readiness for the duties of the office.

<sup>1</sup> The pocket account-book shows the names of a few and probably all of the subscribers thus obtained. They were Mr. Jefferson's neighbors in Albemarle county, Virginia. The number extends, perhaps, to a dozen or two.

As to the merits or demerits of his paper, they certainly concern me not. He and Fenno are rivals for the public favor. The one courts them by flattery, the other by censure, and I believe it will be admitted that the one has been as servile, as the other severe. But is not the dignity, and even decency of Government committed, when one of its principal ministers enlists himself as an anonymous writer or paragraphist for either the one or the other of them? No government ought to be without censors; and where the press is free, no one ever will. If virtuous, it need not fear the fair operation of attack and defence. Nature has given to man no other means of sifting out the truth, either in religion, law, or politics. I think it as honorable to the Government neither to know, nor notice, its sycophants or censors, as it would be undignified and criminal to pamper the former and persecute the latter. So much for the past, a word now of the future.

"When I came into this office, it was with a resolution to retire from it as soon as I could with decency. It pretty early appeared to me that the proper moment would be the first of those epochs at which the Constitution seems to have contemplated a periodical change or renewal of the public servants. In this I was confirmed by your resolution respecting the same period; from which, however, I am happy in hoping you have departed. I look to that period with the longing of a wave-worn mariner, who has at length the land in view, and shall count the days and hours which still lie between me and it. In the meanwhile, my main object will be to wind up the business of my office, avoiding as much as possible all new enterprise. With the affairs of the Legislature, as I never did intermeddle, so I certainly shall not now begin. I am more desirous to predispose everything for the repose to which I am withdrawing, than expose it to be disturbed by newspaper contests. If these, however, cannot be avoided altogether, yet a regard for your quiet will be a sufficient motive for my deferring it till I become merely a private citizen, when the propriety or impropriety of what I may say or do, may fall on myself alone. I may then, too, avoid the charge of misapplying that time which now, belonging to those who employ me, should be wholly devoted to their service. If my own justification, or the interests of the republic, shall require it, I reserve to myself the right of then appealing to my country, subscribing my name to whatever I write, and using with freedom and truth the facts and names necessary to place the cause and its just form before that tribunal. To a thorough disregard of the honors and emoluments of office, I join as great a value for the esteem of my countrymen, and conscious of having merited it by an integrity which cannot be reproached, and by an enthusiastic devotion to their rights and liberty, I will not suffer my retirement to be clouded by the slanders of a man whose history, from the moment at which history can stoop to notice him, is a tissue of machinations against the liberty of the country which has not only received and given him bread, but heaped its honors on his head. Still, however, I repeat the hope that it will not be necessary to make such an appeal. Though little known to the people of America, I believe, that as far as I am known, it is not as an enemy to the republic, nor an intriguer against it, nor a waster of its revenue, nor prostitute of it to the purposes of corruption, as the 'American' represents me; and I confide that yourself are satisfied that as to disensions in the newspapers, not a syllable of them has ever proceeded from me, and that no cabals or intrigues of mine have produced those in the Legislature, and I hope I may promise both to you and myself, that none will receive aliment from me during the short space I have to remain in office, which will find ample employment in closing the present business of the department."

Hamilton's reply to General Washington's letter has often been compared with the preceding, and the more magnanimous spirit it has been supposed to evince, has been the theme of much panegyric. He professed great regret at the President's "uneasy sensations"—an "anxious wish to smooth the path of his administration"—his determination, "if any prospect should open of healing or terminating the differences which existed," to "most cheerfully embrace it, though he considered himself the deeply injured party." He applauded the President's endeavors to restore harmony to his Cabinet, and if they should prove unsuccessful, "did not hesitate to say, that in his opinion the period was not remote when the public good would require substitutes for the differing members of the administration." "On his part, there would be a most cheerful acquiescence in such a result." He proceeded :

"I trust, sir, that the greatest frankness has always marked, and will always mark, every step of my conduct towards you. In this disposition I cannot conceal from you that I have had some instrumentality of late in the retaliations which have fallen upon certain public characters, and that I find myself placed in a situation not to be able to recede *for the present*."<sup>1</sup>

He then states, that although Mr. Jefferson had made him an object of "uniform opposition" since his first taking a seat in the Cabinet—that although he had made "unkind whispers and insinuations" against him—that although he could not doubt that he had established the National Gazette for political purposes, and to render him and the measures of his department "as odious as possible," he had, notwithstanding, never, except to confidential friends, made or countenanced any retaliations until very recently. He had even prevented attacks from being made on Mr. Jefferson in consequence "of the persecution he brought on the Vice-President by his indiscreet and light letter" to J. B. Smith. He had remained "a silent sufferer" as long as he saw "no danger to the Government from the machinations which were going on." But when he discovered "a formed party deliberately bent upon the subversion of the measures, which in its consequences would subvert the Government"—when he saw "the undoing of the funding system in particular" \* \* \* "was an avowed object of the party," etc.,

<sup>1</sup> Italicized as in original.



"he considered it a duty to endeavor to resist the torrent, and, as an effectual means to this end, to draw aside the veil from the principal actors." "To this decided conviction he had yielded;" but he added:

"Nevertheless, I pledge my honor to you, sir, that if you shall hereafter form a plan to reunite the members of your administration upon some steady principle of coöperation, I will faithfully concur in executing it during my continuance in office. And I will not directly or indirectly say or do a thing that shall endanger a feud."<sup>1</sup>

• This letter would seem to imply a disposition to make great personal sacrifices to "smooth the path" of General Washington's administration—to embrace the first opportunity to heal and terminate differences. Except that it takes the freedom of proposing that both the differing parties should retire from the Cabinet, whereas Jefferson more modestly insisted merely on his own, without suggesting any conditions, or offering any advice, touching the retention of his opponent, Hamilton's letter has been perhaps justly regarded as exhibiting more liberality and less implacability of purpose than Jefferson's. He holds forth the idea that a "steady principle of coöperation" may be found to reunite the Cabinet; and that he would gladly concur in executing it—whereas Jefferson abates nothing of his former charges against Hamilton's political measures and objects, evidently looks for no change in them, opens no door to compromise, and reavows his settled and inflexible hostility to them.

So far as principle was concerned, perhaps the apparent difference in the yieldingness of the two men was real, and flowed from their systems. We should expect no personal departure from the cardinal tenets of his political faith by Hamilton, but his system was based on the idea that men are weak and corrupt, and must be controlled by force, or through means adapted to reach their motives. We cannot doubt that almost any concessions, or seeming concessions for the time, would have been made to secure Jefferson's adhesion to a few of the great leading and characterizing measures of the Federal policy. Jefferson, always a liberal compromiser to those of the same, or

<sup>1</sup> See the letter entire in Sparks's *Washington*, vol. x., Appendix, p. 515; also in *Hamilton's Works*, vol. iv. p. 303.

essentially affiliated, principles—an uncommonly liberal compromiser in mere practical details—had not, as we have again and again had occasion to remark, a particle of concession in his heart or in his practice, to what he regarded as radically false and dangerous systems. And recognizing the good as the dominant principle in the bosoms of men, he saw as little policy as propriety in appealing to, or tampering with, the bad, to secure that triumph of the right, which he considered as sure without any such appliance, provided an enlightened popular judgment was allowed fairly to decide. Willing to sustain the Chief Magistrate, though he thought he had officially approved of some objectionable measures, because he believed him a sincere friend of republican government, because he believed him pure, discreet, and aiming at impartiality, he could not carry complaisance so far as to give his private assent to schemes which his conscience condemned, proscribe others for not doing so, or enter into any unnatural coalitions with hostile creeds, or with men who, whatever may have been their personal disinterestedness, he believed made it a part of their system to appeal to the worst principles of human nature, to effect their objects.

Colonel Hamilton's letter has been thought also to show more deference than Jefferson's to the personal feelings of the President—more love and respect for him. Judged by professions, this is perhaps true. Judged by the entire purport and spirit of the two letters, we confess we draw an opposite inference. Judged by subsequent acts, a still more decisive test would seem to be furnished. Hamilton, with protestations on his lips of warm respect, and of his anxiety to gratify the President's wishes, and relieve him from "uneasy sensations"—with his pledge "of honor" that he will sacredly respect some cordon of amity hereafter to be formed—just six days after writing the President, published the first number of "Catullus," and continued this series of most vehement and virulent political and personal assaults on Jefferson for the four succeeding months, and throughout the entire year! If that reconciliation which the President so ardently desired, could have before been possible, these articles, of course, put it wholly out of the question! Jefferson, on the other hand, returned to his official duties to sub-

mit, as hitherto, to this badgering, without offering any resistance.<sup>1</sup>

On Mr. Jefferson's return route from Monticello to the seat of Government, he reached Mount Vernon on the 30th of September, and remained until after breakfast the next morning. A conversation there took place between him and the President, which stands in the light of an answer to a part of his letter to the latter of September 9th, and as such possesses much interest. It was recorded in the *Ana*, on the same day it took place, at Bladensburgh, where Mr. Jefferson stopped over night. After giving some preliminary conversation, in which the President very strongly expressed his regret at the proposed retirement of the Secretary of State, and declared his own reluctance to remain in office, but his determination "to make the sacrifice of a longer continuance," "if his aid was thought necessary to save the cause to which he had devoted his life principally," the record proceeds:

"He [the President] then expressed his concern at the difference which he found to subsist between the Secretary of the Treasury and myself, of which he said he had not been aware. He knew, indeed, that there was a marked difference in our political sentiments, but he had never suspected it had gone so far in producing a personal difference, and he wished he could be the mediator to put an end to it. That he thought it important to preserve the check of my opinions in the administration, in order to keep things in their proper channel, and prevent them from going too far. That as to the idea of transforming this Government into a monarchy, he did not believe there were ten men in the United States whose opinions were worth attention, who entertained such a thought. I told him there were many more than he imagined. I recalled to his memory a dispute at his own table, a little before we left Philadelphia, between General Schuyler on one side, and Pinckney and myself on the other, wherein the former maintained the position that hereditary descent was as likely to produce good magistrates as election. I told him, that though the people were sound, there were a numerous sect who had monarchy in contemplation; that the Secretary of the Treasury was one of these. That I had heard him say that this Constitution was a shilly shally thing, of mere milk and water, which could not last, and was only good as a step to something

<sup>1</sup> Mr. Jefferson found defenders, however, in the newspapers, and "Catullus" brought a storm of missiles round the head of the real author. Perhaps these counter attacks greatly increased the violence of "Catullus." We are quite willing to believe so. But he who attacks a popular and prominent man, must always expect retorts; nor is the party first assailed in the least responsible for them, unless their authorship or instigation can be distinctly traced to him. It is convenient for an enraged assailant to assume that the retorts he provokes from friends, emanate from the person assailed, for this gives an excuse to say more, and to gradually "make a clean breast of it;" but these assumptions are not very good testimony in a court of conscience, or in one of true honor.

better. That when we reflected, that he had endeavored in the Convention, to make an English Constitution of it, and when failing in that, we saw all his measures tending to bring it to the same thing, it was natural for us to be jealous; and particularly when we saw that these measures had established corruption in the Legislature, where there was a squadron devoted to the nod of the Treasury, doing whatever he had directed, and ready to do what he should direct. That if the equilibrium of the three great bodies, legislative, executive, and judiciary, could be preserved; if the Legislature could be kept independent, I should never fear the result of such a government; but that I could not but be uneasy, when I saw that the Executive had swallowed up the legislative branch. He said, that as to that interested spirit in the Legislature, it was what could not be avoided in any government, unless we were to exclude particular descriptions of men, such as the holders of the funds, from all office. I told him there was great difference between the little accidental schemes of self-interest, which would take place in every body of men, and influence their votes, and a regular system for forming a corps of interested persons, who should be steadily at the orders of the Treasury. He touched on the merits of the funding system, observed there was a difference of opinion about it, some thinking it very bad, others very good; that experience was the only criterion of right which he knew, and this alone would decide which opinion was right. That for himself, he had seen our affairs desperate and our credit lost, and that this was in a sudden and extraordinary degree raised to the highest pitch. I told him all that was ever necessary to establish our credit, was an efficient government and an honest one, declaring it would sacredly pay our debts, laying taxes for this purpose, and applying them to it. I avoided going further into the subject. He finished by another exhortation to me not to decide too positively on retirement, and here we were called to breakfast."

It did not need these declarations to convince every intelligent American that General Washington, in giving his official sanction to the Treasury schemes of Hamilton, had not the most remote idea of favoring those political schemes which Jefferson and the Republican party attributed to Hamilton, and which they supposed to be the object, as well as the necessary result of his measures.

General Washington's "exhortation" to Jefferson not to retire (to be again and again subsequently repeated)—his avowal "that he thought it important to preserve the check of his opinions in the administration, in order to keep things in their proper channel, and prevent them from going too far"—would be a sufficient answer, if any were needed, to Hamilton's taunt that there was impropriety or indelicacy in Jefferson's "holding an office under" a government, "if he disapproved of the leading measures which had been adopted during the course of its administration." It is certain that Jefferson's continued and thorough disapprobation of the Treasury measures, after they

were "adopted by majorities of both branches of the Legislature, and sanctioned by the Chief Magistrate of the Union," was well known to General Washington, and had been recently emphatically reiterated to him in Jefferson's letters of May 23d and September 9th. Nay, it was one of Hamilton's charges against Jefferson, that "to every man who approached him," he arraigned the "principal measures" of the Government, with "indiscreet if not indecent warmth." If General Washington, with as full a knowledge of Jefferson's political sentiments and course as Hamilton possessed—with a personal knowledge of him which ought to have been much better, because obtained in an official and personal intercourse of vastly longer standing and greater intimacy—still desired and urged Jefferson to remain in his Cabinet, it will hardly be claimed that he was not as good a judge, and as much entitled to judge, who could with due regard to delicacy and propriety remain there, as the Secretary of the Treasury, or any other person, then or since.

If it was improper for a head of department to differ permanently from another, and even from the President, in regard to certain executive measures, then it was manifestly improper for the President purposely to establish a politically balanced Cabinet, unless we adopt the absurd hypothesis that the minority of it, on finding themselves voted down, were bound to sacrifice their conscience and their principles to the will of the majority. It has been only from a want of due consideration of this fact—from an unreflecting comparison of this case with that of the ordinary ones, where Cabinet officers are selected from one party and to represent one party—that such gross misconceptions in regard to Jefferson's course have been instilled into the public mind. It was natural enough that uncompromising opponents should desire him to retire, even if they supposed his place might be filled by a less powerful man of the same political school. It was, perhaps, their object to drive him to retire. If so, it appears they would have succeeded if his own inclinations had alone been consulted.

In his newspaper attacks and in his letter to General Washington of September 9th, Hamilton charges Jefferson indirectly with seeking to subvert the funding system, and other measures of Government already carried into effect or in course of execution. Jefferson denies all such allegations in his letter to the

President of the same date, and confidently appeals to the knowledge of the facts possessed by the latter. His private and public correspondence, and his subsequent history, leave no doubt of the full accuracy of his statements in this particular.

Hamilton's allegations in regard to the employment of Freneau to assail the Government, are sufficiently answered in Jefferson's letter to the President of the 9th of September. He had no concern in establishing or conducting the paper. He appointed Freneau a clerk before his strictures on Hamilton's measures commenced. Would it have been right or manly in Mr. Jefferson to remove a clerk from office for advocating just such views as he himself entertained and expressed? Supposing (what is no doubt true) that Freneau afterwards, in the press of the battle, sometimes forgot his decorum—sometimes expressed views which Mr. Jefferson did not entertain, or made expressions which he regretted—was it therefore the duty of the latter to affix a public mark of censure on, or aid in putting down, a republican press which was, at a critical time, most zealously and ably battling for the general principles which he professed? Did decorum permit a federal Cabinet officer to heap on a colleague the language of personal insult for months in a newspaper, and then require the latter to remove a clerk for merely warmly supporting opposing political views in a newspaper?

It may be said that Freneau's attack on Hamilton's measures began before Hamilton entered the newspapers as "An American," "Catullus," etc. A file of the National Gazette is not at this moment before us. We believe, however, that it will be found, on examination, that direct insulting personal attacks, like specific accusations of fraud and falsehood, were begun by Hamilton. If Freneau before that (and before being himself publicly accused of perjury by Hamilton) only complained of the character and effect of Hamilton's public measures, he did no more than Jefferson himself did in the Cabinet, and, if we may credit Hamilton's assertions, did warmly to all who approached him. Why then was this issue taken with Freneau, or with Mr. Jefferson for employing *his* pen? Was it not obviously to present the issue to the public eye, not merely as between Jefferson and the Treasury schemes, but as between Jefferson and General Washington?

Hamilton was repeatedly, as we shall see, voted down not

only on incidental questions in the Cabinet, but on systems of measures, wherein Jefferson and the President concurred. Jefferson's most important departmental measures were often sustained by the latter, against the vote and active exertions of Hamilton. Did Hamilton consider it necessary thenceforth to abandon or cease to press his own views in and out of the Cabinet? Did newspapers which received his official patronage and which were the organs of his party, thenceforth carefully square their views and recommendations to the Presidential sanction? Every one familiar with the facts knows that both of these questions are to be answered in the negative. Jefferson's opposition to the Treasury policy was an opposition to the Government, or to the President, just so far and no farther than Hamilton's opposition to Jefferson's foreign policy, on a number of important points, was an opposition to the Government or to the President.

These oppositions on both sides were the inevitable result of a politically divided Cabinet, provided the individuals composing it were upright and independent men. General Washington's feelings were occasionally disturbed by the excesses of both sides, but he acted firmly and consistently on his own theory. He accepted Jefferson's explanation in regard to Freneau, and long after that, and after Freneau's greatest excesses, he again and again earnestly dissuaded Jefferson from offering an intended resignation. He could not have done this consistently with self respect had he considered Freneau's retention in his clerkship really an act of disrespect to his administration or himself. Jefferson has on one occasion recorded that he thought the President would have been glad to have him remove Freneau. If his supposition was correct, it but places in stronger relief the broad principle of no-partyism under which the President acted, and which induced him, notwithstanding momentary resentments at the follies of the parties, to practically tolerate freedom of action on both sides. We have had a still more conspicuous instance of his lenity in this particular. He had a Secretary of State of his own choice—his first choice out of the entire population of the republic. He was satisfied with that officer, and was wholly unwilling to allow him to retire. This necessarily implied a conviction that the subordinate was capable, honest, a gentleman in conduct, and

not deficient in proper respect towards himself. Yet another subordinate, mainly under the pretext that a disrespect had been offered to "the Government," entered the newspapers 'to stigmatize the first in terms very rarely heard among gentlemen! The President distinctly hinted the pain which the circumstance gave him. Immediately afterwards the assault was reopened, redoubled in violence, and continued for months. Yet the President tolerated this conduct.

The only contemporaneous notice of Hamilton's attacks on him which we find in Jefferson's private correspondence, was contained in a letter (September 17th) to another colleague, Randolph; and it was drawn out by the latter forwarding to him (in Virginia) a copy of the attacks. Its tenor is worthy of notice :

"I thank you sincerely for what respects myself. Though I see the pen of the Secretary of the Treasury plainly in the attack on me, yet, since he has not chosen to put his name to it, I am not free to notice it as his. I have preserved through life a resolution, set in a very early part of it, never to write in a public paper without subscribing my name, and to engage openly an adversary who does not let himself be seen, is staking all against nothing. The indecency, too, of newspaper squabbling between two public ministers, besides my own sense of it, *has drawn something like an injunction from another quarter*. Every fact alleged under the signature of "An American" as to myself, is false, and can be proved so; and perhaps will be one day. But for the present, lying and scribbling must be free to those mean enough to deal in them, and in the dark. I should have been setting out to Philadelphia within a day or two; but the addition of a grandson and indisposition of my daughter, will probably detain me here a week longer."

It would appear from this, that if Jefferson had made no liberal display of professions to the President, he intended to act on his implied "injunction."

One of his first steps after his return to the seat of Government was, in pursuance of his recent promise, to forward the President extracts from his letters written pending the adoption of the federal Constitution, to show the views he then took of that instrument—in reply to the anonymous strictures and assertions of Hamilton. He seems to have readily satisfied General Washington that he was not one of those who constantly lauded it in public, making its name the sanction of all their views—who attacked other persons for questioning any of its provisions even before its adoption, while denouncing it in secret as a "frail and worthless fabric!" The General replied :



TO THOMAS JEFFERSON, SECRETARY OF STATE.

(Private.)

18th October, 1792.

MY DEAR SIR:

I did not require the evidence of the extracts, which you inclosed to me, to convince me of your attachment to the Constitution of the United States, or your disposition to promote the general welfare of this country; but I regret, deeply regret, the difference in opinions which have arisen and divided you and another principal officer of the Government; and I wish devoutly there could be an accommodation of them by mutual yieldings. \* \* \* I will frankly and solemnly declare, that I believe the views of both of you to be pure and well meant, and that experience only will decide, with respect to the salutariness of the measures which are the subjects of dispute. \* \* \* I am persuaded there is no discordance in your views.<sup>1</sup> I have a great, a sincere esteem and regard for you both, and ardently wish that some line may be marked out by which both of you could walk.<sup>2</sup>

The rest of the letter is filled with the same delicate and affectionate efforts to produce a compromise between his Secretaries. General Washington's mind was so calmly and impartially attempered, so little disposed was it to seek extremes, that he seems to have constantly entertained that golden-age dream, that honest men could be brought to think or act alike, if they would only come together and, in a spirit of "mutual yielding," fairly make the effort! He evidently thought that the organization of opposing parties was unnecessary, and, in our country, unsafe. This is a fancy which is apt to impress itself on the minds of good men disinclined to extremes, and unversed in party action. General Washington looked back into history, and found that parties had wrecked most ancient free governments. But if he had looked into the human heart as it is, he would have found, what he later sadly learned in practice, that parties are the inevitable evils as well as benefits of all organizations under which the human mind is left free; and that quiet from their agitation is only to be found under the death-like torpor of despotism.

The best and noblest have often differed radically in their political, their religious, in all their systems but their moral ones. Among this class—more among this class than elsewhere—

<sup>1</sup> This, to be made consistent with the context, and with other declarations of the President, must be construed to mean that he thought there was no discordance in their views, so far as the real good of their country was concerned; and this was undoubtedly his meaning.

<sup>2</sup> For the letter entire, see Sparks's Washington, vol. x. p. 306.

are found men to whom the fires of martyrdom would be more welcome than the abjuration or voluntary sacrifice of a principle. The uncompromising spirits fill as necessary a place in social organization as the middle men. They are the centripetal and centrifugal forces which keep society in its just orbit. That free state is perhaps in the safest condition which has distinctly marked progressive and conservative parties—the former to keep up with the advance of human knowledge, and cull the good from every new field of human exploration—the latter to prevent progress from degenerating into mere fickleness and rage for innovation. In the combat between them everything is thoughtfully weighed. The “resultant” is a steadier and safer line, and more coincident with fixed principles, than would accrue from the action of a single party. In the latter case there would be comparatively little watchfulness or investigation. The want of divisions on principle would lead to indifference, or activity would exhibit itself principally in personal rivalries. With two parties running in parallel directions—as for instance, two progressive or two conservative parties—both catering to the same class of inclinations, in commercial phrase, both bidding in the same market—the salutary check of opposition would be thrown away, and extreme action be the inevitable consequence.

During Mr. Jefferson’s absence in Virginia, the discontents in western Pennsylvania, on the subject of the excise law, had advanced to a point where they were supposed to require the interposition of the federal Government. The immediate occasion of its interference is thus stated by Judge Marshall :

“ A meeting was again convened at Pittsburg, in which, among other very exceptionable resolutions, committees were established to correspond with any committees of a similar nature that might be appointed in other parts of the United States. By this meeting it was declared, that they would persist in every legal measure to obstruct the execution of the law, and would consider those who held offices for the collection of the duty as unworthy of their friendship; that they would have no intercourse or dealings with them; would withdraw from them every assistance, and would withhold all the comforts of life which depend upon those duties which, as men and fellow-citizens, they owed to each other; and would upon all occasions treat them with contempt. It was at the same time earnestly recommended to the people at large to adopt the same line of conduct.”<sup>1</sup>

<sup>1</sup> *Life of Washington*, vol. ii. p. 237.

The President was in Virginia, and Hamilton (who, with the Attorney-General and the Secretary of War, was at the seat of Government) immediately directed the supervisor of the revenue in the western district of Pennsylvania to repair thither, "collect evidences in regard to the violences which had been committed, in order to a prosecution of the offenders;" to ascertain the particulars of the meeting at Pittsburg; to encourage the perseverance of the officers, etc. He also submitted the question to the Attorney-General, for his opinion, whether "an indictable offence had not been committed by the persons who were assembled at Pittsburg," with a view, if judged expedient by the President, that their proceedings be brought under the notice of the United States Circuit Court about to sit at Yorktown. He expressed the conviction "that it was indispensable, if competent evidence could be obtained, to exert the full force of the law against the offenders," and if the "processes of the courts were resisted, as was rather to be expected, to employ those means which, in the last resort, were put in the power of the Executive." He thought "moderation enough had been shown; [that] it was time to assume a different tone." "The well-disposed part of the community would begin to think the Executive wanting in decision and vigor."<sup>1</sup>

General Washington (September 7th) acquiesced in Hamilton's propositions, and declared "if the evidence was clear and unequivocal, that he should, however reluctantly he exercised them, exert all the legal powers with which the Executive was invested to check so daring and unwarrantable a spirit."<sup>2</sup>

Randolph was opposed to a prosecution "at that moment, when the malignant spirit had not developed itself in acts so specific, and so manifestly infringing the peace, as obviously to expose the culpable persons to the censures of the law." He declared that he had at first thought an Executive Proclamation (a draft of which Hamilton had sent him) objectionable, but finally, after proposing some changes in it, he assented.<sup>3</sup>

Hamilton, rejecting some of Randolph's proposed amendments as "unnecessarily diminishing the force of the instrument," but submitting them to the President, wrote the latter

<sup>1</sup> Hamilton to Washington, September 1. *Hamilton's Works*, vol. iv. p. 284.

<sup>2</sup> For letter entire, see *ibid.* vol. iv. p. 286.

<sup>3</sup> See his letters entire in *ibid.* vol. iv. p. 286.

September 9th), stating "the result of further and *mature* deliberation was, that it would be expedient for the President to issue a proclamation, adverting in general terms to the irregular proceedings, and manifesting an intention to put the laws in force against offenders." He assigned a number of reasons for this step, and "begged leave to add, that in his judgment, it was not only advisable but necessary;" stated that "the Secretary of War and Attorney-General agreed with him in opinion, on the expediency of a proclamation;" and submitted the draft "framed in concert with the latter."

On the 11th, Hamilton inclosed to the President an official letter, submitting the draft of the Proclamation. He remarked that a former instrument of this kind had been countersigned by the Secretary of State—that if it was a new question he should doubt whether it ought to be under the seal of the United States (so as to call for the attestation of the Secretary of State) instead of being simply attested by the President, but the practice being begun, there were many reasons which, in this instance, recommended an adherence to it. But if the Secretary of State was so far out of the way as to involve the probability of considerable delay in obtaining his signature, he thought it best to depart from the precedent. He remarked, "every day's delay would render the act less impressive, and defeat part of its object." He said that if the "manner and matter" of the Proclamation should be criticised, it could not be matter of surprise "to any one who was aware of the lengths to which a *certain party* was prepared to go."

On the 15th, the President dispatched an express from Mount Vernon direct to Monticello, inclosing the Proclamation for the Secretary of State's signature. He mentioned that three members of the Cabinet had concurred in its expediency, and speaks of it throughout as a measure already decided on, except that a few words were underscored, to ask the Secretary's advice as to their retention or omission.<sup>1</sup>

The President, on the 16th, wrote the Secretary of the Treasury, mentioning that he had forwarded the paper to the Secretary of State to be countersigned by him, because it had been the precedent, "and for another [reason] which had some weight in his mind." What that other reason was is not stated.

<sup>1</sup> See Sparks's Washington, vol. x. p. 396.

He also said, that "as the effect proposed might not be answered by it, it would be necessary to look forward in time to ulterior arrangements. And here [he continued] not only the Constitution and laws must strictly govern, but the employing of the regular troops be avoided, if it was possible to effect order without their aid; otherwise there would be a cry at once, 'The cat is let out; we now see for what purpose an army was raised,' " etc.<sup>1</sup>

Jefferson immediately returned the Proclamation countersigned, with a short note, expressing the opinion that the underscored words (the same originally objected to by Randolph and retained by Hamilton), which went to imply the President's affirmation of the expediency of the excise law, be stricken out.<sup>2</sup> He regretted the proceedings in Pennsylvania, hoped the Proclamation would have the effect "to lead the persons concerned into a regular line of application, which might end either in an amendment of the law if it needed it, or in their conviction that it was right." But he expressed no opinion as to the expediency of the Proclamation.<sup>3</sup>

Jefferson's proposed amendment was adopted, and the Proclamation, as drawn up by Hamilton, was issued as soon as returned, bearing date the 15th of September.

We have felt it necessary to enter into these particulars to show that Jefferson had no share whatever, beyond the mere formal one of countersigning an official paper, at the request (equivalent, under the circumstances, to a direction) of the President, in initiating that course of proceedings, later steps in which we shall find him most decidedly condemning.

Judge Marshall, if we correctly gather his meaning, throws the President pretty decidedly into the foreground in the initiation of these measures. The preceding facts lead us to a somewhat different conclusion.

On the 12th of October, the Secretary of State addressed complaints to the British Government, on the subject of the impressment of sailors from American merchant vessels, an instance of this having recently occurred on the coast of Africa. He wrote to Mr. Pinckney:

<sup>1</sup> Sparks's Washington, vol. x. p. 297.

<sup>2</sup> He proposed instead of the words "to render laws dictated by weighty reasons of public exigency and policy as acceptable as possible" the following, "to render the laws as acceptable as possible."

<sup>3</sup> See his letter of Sept. 18.

"So many instances of this kind have happened, that it is quite necessary that our Government should explain themselves on the subject, and be led to disavow and punish such conduct. I leave to your discretion to endeavor to obtain this satisfaction by such friendly discussions as may be most likely to produce the desired effect, and secure to our commerce that protection against British violence which it has never experienced from any other nation. No law forbids the seaman of any country to engage in time of peace on board a foreign vessel; no law authorizes such seaman to break his contract, nor the armed vessels of his nation to interpose force for his rescue."

On the 14th of the same month, he instructed Messrs. Carmichael and Short to lay the fact before the Spanish Government, that the Baron de Carondelet, Governor of Louisiana, had, through the resident Spanish agents, incited the Creek Indians to war on the United States—had furnished them with arms and ammunition, and promised them as much more as should be necessary. The Commissioners were directed to press the withdrawal of all agents kept by Spain among the Indians within the limits of the United States. These instructions were scarcely issued, before two commissioners (Messrs. Viar and Jaudennes) arrived from Spain to remonstrate with the United States for "menacing the Creek Nation with destruction," and proposing to refer the discussion of the interests which the United States or Spain had in the proceedings of each other towards the Indians, to the negotiations to be opened at Madrid. The Secretary of State at once denied the charge in respect to the Creeks, and gave the consent of his Government to the proposed reference. On the 2d and 3d of November, he wrote Messrs. Carmichael and Short that they would soon receive the proper information and instructions, and in the meantime, directing them to press the recall of Carondelet.

The President had called a Cabinet consultation on the 31st of October, in regard to our Spanish relations, and had propounded in it two important questions. Jefferson thus gives particulars in his *Annals*:

"October the 31st, 1792.—I had sent to the President, Viar and Jaudennes's letter of the 29th instant, whereupon he desired a consultation of Hamilton, Knox, E. Randolph, and myself, on these points: 1. What notice was to be taken hereof to Spain? 2. Whether it should make part of the communication to the Legislature? I delivered my opinion, that it ought to be communicated to both houses, because the communications intended to be made, being to bring on the question, whether they would declare war against any, and which, of the nations or parts of the nations of Indians to the south, it would be proper this information should be

before them, that they might know how far such a declaration would lead them. There might be some who would be for war against the Indians, if it were to stop there, but who would not be for it, if it were to lead to a war against Spain. I thought it should be laid before both houses, because it concerned the question of declaring war, which was the function equally of both houses. I thought a simple acknowledgment of the receipt of the letter should be made by me to the Spanish Chargés, expressing that it contained some things very unexpected to us, but that we should refer the whole, as they had proposed, to the negotiators at Madrid. This would secure to us a continuation of the suspension of Indian hostilities, which the Governor of New Orleans said he had brought about till the result of the negotiation at Madrid should be known; would not commit us as to running or not running the line, or imply any admission of doubt about our territorial right; and would avoid a rupture with Spain, which was much to be desired, while we had similar points to discuss with Great Britain.

"Hamilton declared himself the advocate for peace. War would derange our affairs greatly; throw us back many years in the march towards prosperity; be difficult for us to pursue, our countrymen not being disposed to become soldiers; a part of the Union, feeling no interest in the war, would with difficulty be brought to exert itself; and we had no navy. He was for everything which would procrastinate the event. A year, even, was a great gain to a nation strengthening as we were. It laid open to us, too, the chapter of accidents, which, in the present state of Europe, was a very pregnant one. That while, however, he was for delaying the event of war, he had no doubt it was to take place between us for the object in question; that jealousy and perseverance were remarkable features in the character of the Spanish government, with respect to their American possessions; that so far from receding as to their claims against us, they had been strengthening themselves in them. He had no doubt the present communication was by authority from the court. Under this impression, he thought we should be looking forward to the day of rupture, and preparing for it. That if we were unequal to the contest ourselves, it behoved us to provide allies for our aid. That in this view, but two nations could be named, France and England. France was too intimately connected with Spain in other points, and of too great mutual value, ever to separate for us. Her affairs, too, were such, that whatever issue they had, she could not be in a situation to make a respectable mediation for us. England alone, then, remained. It would not be easy to effect it with her; however, he was for trying it, and for sounding them on the proposition of a defensive treaty of alliance. The inducements to such a treaty, on their part, might be: 1. The desire of breaking up our former connections, which we knew they had long wished. 2. A continuance of the *status quo* in commerce for ten years, which he believed would be desirable to them. 3. An admission to some navigable part of the Mississippi by some line drawn from the Lake of the Woods to such navigable part. He had not, he said, examined the map to see how such a line might be run, so as not to make too great a sacrifice. The navigation of the Mississippi being a joint possession, we might then take measures in concert for the joint security of it. He was, therefore, for immediately sounding them on this subject through our minister at London; yet so as to keep ourselves unengaged as long as possible, in hopes a favorable issue with Spain might be otherwise effected. But he was for sounding immediately, and for not letting slip an opportunity of securing our object.

'E. Randolph concurred, in general, with me. He objected that such an alliance could not be effected without pecuniary consideration probably, which we

could not give. And what was to be their aid? If men, our citizens would see their armies get foothold in the United States with great jealousy; it would be difficult to protect them. Even the French, during the distresses of the late war, excited some jealous sentiments.

"Hamilton said, money was often, but not always demanded, and the aid he should propose to stipulate would be in ships. Knox *non dissente*te.

"The President said the remedy would be worse than the disease, and stated some of the disagreeable circumstances which would attend our making such overtures."

So Hamilton's proposition for a defensive alliance with England—to purchase that alliance by, amongst other things, giving England a foothold on the Upper Mississippi and the common navigation of that river—was defeated by the emphatically declared casting vote of the President! Here was a proper following up of that theoretical "entering wedge," inserted in the argument in Lord Dorchester's case, and a proper condemnation of the object when it stood openly revealed. We have here also a case in point, where the Secretary of the Treasury had no horror of a Cabinet officer's continuing to oppose "Government measures" when they chanced to be Government measures disconnected with the Treasury. There was not a more often adjudged and firm principle of General Washington's administration than that he desired to observe a genuine neutrality between all European powers, and specially between England and France. While he partook of none of those prejudices which made him in the least indifferent to avoiding a war with England, just as clearly and decidedly was he opposed to being drawn into any direct or indirect arrangement which savored of such an indifference in regard to France—or which even carried the appearance of choosing a contest with France rather than with England.

Hamilton never failed to take the opposite ground where circumstances opened the most remote prospect to success or partial success. His habitual conversation and correspondence exhibited a different feeling and theory. His followers and the presses under his influence soon advocated a totally different policy in this particular from what he knew to be the settled one of Washington. We shall find him, before his public career closed, entering into schemes for the overthrow of that policy—entering into them on one important occasion where



there are good reasons for believing his objects were as carefully concealed from the eye of Washington as they were from the public.<sup>1</sup> Surely we need not again recur to the question whether Hamilton's charge against Jefferson, of indelicately and improperly (not to say treacherously), opposing the measures of a government of which he was a member, was sincerely made, or whether it was a convenient pretence to disable a powerful opponent.

<sup>1</sup> On the occasion *here* referred to, however, Washington was out of office; and this produces a difference in circumstances in favor of Hamilton, which every reader will know how to make due allowance for.

## CHAPTER III.

1792—1793.

**Second Presidential Election—Republican Triumph in the Congressional Elections—Closing Session of the preceding Congress—It refuses to hear Heads of Departments on the Floor—References to Heads of Departments sustained—Political Letters—French Relations—The President's Views on them—Loan to United States Bank defeated—"The Catholic principle of Republicanism"—Partisan partialities towards France and England—Jefferson's strong Letter to Short—Republican Opposition to Jefferson's Retirement—His disagreeable Position—Letter to his Daughter on the Subject—Defers his Retirement—Refuses to form a Coalition with Hamilton—Additional Assumption defeated by the President—W. S. Smith's Communications from the French Government—The President urges Jefferson to accept the French Mission, when he retires from the Cabinet—De Ternant's application for Prepayment granted—Prepayment of entire French Debt refused—Proceedings in Congress—Inquiry into the Conduct of the Secretary of the Treasury—Hamilton's Replies to the House—Resolutions of Censure defeated—Their Propriety considered—War between France and England—How regarded in the United States—Cabinet Proceedings in reference to Reception of French Minister, and to the Bindingness of French Treaties—President's Proclamation—Jefferson's View of Randolph's Draft—President decides to receive French Minister, and that the French Treaties are binding—Jefferson refuses to remove Freneau from Office—His language and Motives considered—His Idea of a *Causa Belli* with the European Powers—Morris instructed to respect the *de facto* Government of France—Jefferson's Ideas on Public Officers embarking in Speculations—Citizen Genet, the new French Minister—His Arrival in the United States—English Vessels captured—The Popular Feeling—Cabinet Deliberations on Neutrality Laws—Instructions to Pinckney—Jefferson's Description of the Views of the Cabinet—Hamilton's proposed Circular to the Collectors—Jefferson's Reply to Complaints of Hammond—Complains to Hamilton of his Intrusions on his Department—Cabinet divide on Propriety of restoring Prizes to England—Positions of the Several Members—President concurs with the Secretary of State—Genet's Arrival and Reception in Philadelphia—His Reception by the President—His Waiver of the American Guaranty of the French West Indies—Its Effect on the Public Mind—Relations with Spain—Its hostile Deportment towards United States—Instructions to American Commissioners in Spain—Cabinet Meetings in regard to Southern Indians—Decisive Dispatches to Spain—Forwarded without a Cabinet Consultation—War considered imminent—Federal Hostility to the French Republic considered—General Washington's Attitude on this Subject—His perfect Understanding with the Secretary of State—Leaves the latter to decide whether an immediate Call shall be made on England to surrender the Northern Posts—Jefferson's Call on Hammond—The contemplated Consequences of this Step—The Anglo-Spanish Alliance—The President's greater Confidence in Jefferson than in the other Members of his Cabinet, in regard to Foreign Affairs, manifested.**

PRESIDENT WASHINGTON finally consented to become a candidate for reelection. He met with no opposition and received

a unanimous vote in the Electoral College. The Federalists supported John Adams for the Vice-Presidency, and the Republicans George Clinton, of New York. The former received seventy-seven electoral votes, and the latter fifty.<sup>1</sup> But several considerations prevented this from being made as purely a test of the relative strength of parties as that which took place in the congressional elections under the new Apportionment Bill.<sup>2</sup> The Republicans carried a decided majority of the members. Precisely how large that majority was, it would now be difficult to say, for before the meeting of the third Congress, events took place which changed the partisan relations of some of the members. The Republicans lost considerably in this way, yet on the vote on the Speakership they still had a majority of ten.

But we have not yet done with the second Congress, which convened pending some of the events described in the last chapter. The second session commenced on the 5th of November, 1792. On the 16th, Mr. Jefferson thus wrote his son-in-law, Mr. Randolph :

DEAR SIR :

Congress have not yet entered into any important business. An attempt has been made to give further extent to the influence of the Executive over the Legislature, by permitting the heads of departments to attend the House and explain their measures *visd voce*. But it was negatived by a majority of thirty-five to eleven, which gives us some hope of the increase of the Republican vote. However, no trying question enables us yet to judge, nor indeed is there reason to expect from this Congress many instances of conversion, though some will probably have been effected by the expression of the public sentiment in the late election. For, as far as we have heard, the event has been generally in favor of Republican, and against the aristocratical candidates. In this State the election has been triumphantly carried by the Republicans ; their antagonists having got but two out of eleven members, and the vote of this State can generally turn the balance. Freneau's paper is getting into Massachusetts, under the patronage of Hancock and Samuel Adams ; and Mr. Ames, the colossus of the Monocrats and paper men, will either be left out or hard run. The people of that State are Republican ; but hitherto they have heard nothing but the hymns and lauds chanted by Fenno. My love to my dear Martha, and am, dear sir, yours affectionately.

The vote here alluded to respecting permitting heads\* of de-

<sup>1</sup> The vote stood for Mr. Adams : New Hampshire, 6 ; Massachusetts, 16 ; Rhode Island, 4 ; Connecticut, 9 ; Vermont, 3 ; New Jersey, 7 ; Pennsylvania, 14 ; Delaware, 3 ; Maryland, 8 ; South Carolina, 7. For Mr. Clinton : New York, 12 ; Pennsylvania, 1 ; Virginia, 21 ; North Carolina, 12 ; Georgia, 4. Mr. Jefferson received the 4 votes of Kentucky. Aaron Burr received 1 vote from South Carolina.

<sup>2</sup> For example, in Pennsylvania, where the Republicans were decidedly in the ascendant, and elected nearly all their members of Congress, Mr. Adams received all the electoral votes but one ; and these alone were sufficient to turn the scale.

partments personally to address Congress on its floor, arose during the debate on the report of a committee on General St. Clair's defeat. This was thought by implication to cast censure on the War and Treasury departments; and Dayton moved (November 13th) that the secretaries of those departments be directed to attend the House, and give information. This was warmly resisted by Madison, Giles, and other leading Republicans, as unconstitutional, and a most dangerous precedent; and was supported by Ames, Boudinot, Smith, of South Carolina, Gerry and others. A branch of the Federalists, headed by Fitzsimmons, Murray, and Livermore, was not prepared to submit Congress to this species of influence, and consequently the motion failed by the decisive vote recorded.<sup>1</sup>

Another exciting debate took place on a motion made by Fitzsimmons, on the 19th, to refer a portion of the President's Message relating to the redemption of the public debt, to the Secretary of the Treasury, to report a plan for such redemption. The Republicans, anxious to reduce the continually growing influence of the Executive over the Legislative department, warmly resisted the reference. Madison, Mercer, Page, and others spoke in the negative, and were answered by Ames, Sedgwick, Smith of South Carolina, Gerry, and, indeed, nearly the whole Federal strength of the House. The motion finally prevailed by a vote of thirty-two to twenty-five; and another resolution was passed, at the same time (November 21st), directing the Secretary of the Treasury to report a plan for paying at once the two millions advanced by the Bank of the United States to offset against the same amount subscribed to the stock of that institution.<sup>2</sup> Mr. Jefferson wrote Mr. Pinckney, in England, on the 3d of December:

"The elections for Congress have produced a decided majority in favor of the Republican interest. They complain, you know, that the influence and patronage of the Executive is to become so great as to govern the Legislature. They endeavored a few days ago to take away one means of influence by condemning references to the heads of departments. They failed by a majority of five votes. They were more successful in their endeavor to prevent the introduction of a new means of influence, that of admitting the heads of department to deliberate occasionally in the House in explanation of their measures. The proposition for their

<sup>1</sup> Finally, on Madison's motion, the matter was sent back to the Committee, and the secretaries were permitted to attend before the Committee, to make explanations.

<sup>2</sup> This, by the conditions of the loan, was payable in annual installments of two hundred thousand dollars, with six per cent. interest.

admission was rejected by a pretty general vote. I think we may consider the tide of this government as now at the fullest, and that it will, from the commencement of the next session of Congress, retire and subside into the true principles of the Constitution. An alarm has been endeavored to be sounded as if the Republican interest was indisposed to the payment of the public debt. Besides the general object of the calumny, it was meant to answer the special one of electioneering. Its falsehood was so notorious that it produced little effect. They endeavored with as little success to conjure up the ghost of Anti-Federalism, and to have it believed that this and Republicanism were the same, and that both were Jacobinism. But those who felt themselves Republicans and Federalists too, were little moved by this artifice; so that the result of the election has been promising. The occasion of electing a Vice-President has been seized as a proper one for expressing the public sense on the doctrines of the Monocrats. There will be a strong vote against Mr. Adams, but the strength of his personal worth and his services will, I think, prevail over the demerit of his political creed."<sup>1</sup>

He wrote to Dr. Gilmer, December 15th :

"We have just received the glorious news of the Prussian army being obliged to retreat, and hope it will be followed by some proper catastrophe on them. This news has given wry faces to our Monocrats here, but sincere joy to the great body of the citizens. It arrive! only in the afternoon of yesterday, and the bells were rung and some illuminations took place in the evening."

Four days later, he wrote to Mr. Mercer :

"I think we may safely rely that the Duke of Brunswick has retreated, and it is certainly possible enough that between famine, disease, and a country abounding with defiles, he may suffer some considerable catastrophe. The Monocrats here still affect to disbelieve all this, while the Republicans are rejoicing and taking to themselves the name of Jacobins, which two months ago was fixed on them by way of stigma."

It is now time to go back and bring down the narrative of our French relations from the point where it was left, to a period when those relations were to become a question of engrossing interest throughout the United States, and a controlling one in the direction of their foreign policy.

The intelligence of the dethronement of the King of France having reached the American Government, Mr. Jefferson says a consultation was held at the President's, about the first week in November, on the expediency of suspending payments to France under the present situation. He thus mentions the heads of the arguments, and the result :

<sup>1</sup> It would seem from this that it was not yet known definitely how the electoral vote would stand on the Vice-Presidential candidates—indeed, it appears by a letter of Mr. Jefferson's, sixteen days later, that it was not then fully known.

"I admitted that the late constitution was dissolved by the dethronement of the King; and the management of affairs surviving to the National Assembly only. this was not an integral legislature, and, therefore, not competent to give a legitimate discharge for our payments: that I thought, consequently, that none should be made till some legitimate body came into place; and that I should consider the National Convention called, but not met as we had yet heard, to be a legitimate body. Hamilton doubted whether it would be a legitimate body, and whether, if the King should be reëstablished, he might not disallow such payments on good grounds. Knox, for once, dared to differ from Hamilton, and to express, very submissively, an opinion. that a convention named by the whole body of the nation, would be competent to do anything. It ended by agreeing, that I should write to Gouverneur Morris to suspend payment generally, till further orders."<sup>1</sup>

He mentions a subsequent conversation, in which Hamilton more decidedly expressed his doubts whether the National Convention could establish any form of government, omitting the King, which the United States could safely recognize in the payment of money.\*

The particulars of a very important personal interview with the President, are recorded at this period, showing how utterly the latter non-concurred with the views of Hamilton and the Federalists on the proper policy to be pursued towards France:

"*Thursday, December the 27th, 1792.*—I waited on the President on some current business. After this was over, he observed to me, that he thought it was time to endeavor to effect a stricter connection with France, and that Gouverneur Morris should be written to on this subject. He went into the circumstances of dissatisfaction between Spain and Great Britain, and us, and observed, there was no nation on whom we could rely, at all times, but France; and that, if we did not prepare in time some support, in the event of rupture with Spain and England, we might be charged with a criminal negligence. [I was much pleased with the tone of these observations. It was the very doctrine which had been my polar star, and I did not need the successes of the republican arms in France, lately announced to us, to bring me to these sentiments. For it is to be noted, that on Saturday last (the 22d) I received Mr. Short's letters of October the 9th and 12th, with the *Leyden Gazettes* to October the 18th, giving us the first news of the retreat of the Duke of Brunswick, and the capture of Spire and Worms by Custine, and that of Nice by Anselme.] I therefore expressed to the President my cordial approbation of these ideas; told him, I had meant on that day (as an opportunity of writing by the British packet would occur immediately), to take his orders for removing the suspension of payments to France, which had been imposed by my last letter to Gouverneur Morris, but was meant, as I supposed, only for the interval between the abolition of the late constitution by the dethronement of the King, and the meeting of some other body, invested by the will of the nation with powers to transact their affairs; that I considered the National Convention, then assembled, as such

<sup>1</sup> *Ans*—note to entry, November, 1792. *Jefferson's Works*, vol. iv. p. 473.

<sup>2</sup> *Ib.* p. 473.

a body ; and that, therefore, we ought to go on with the payments to them, or to any government they should establish : that, however, I had learned last night, that some clause in the bill for providing reimbursement of the loan made by the Bank to the United States, had given rise to a question before the House of Representatives yesterday, which might affect these payments ; a clause in that bill proposing, that the money formerly borrowed in Amsterdam, to pay the French debt, and appropriated by law (1790, August 4th, c. 34, s. 2) to that purpose, lying dead as was suggested, should be taken to pay the Bank, and the President be authorized to borrow two millions of dollars more, out of which it should be replaced : and if this should be done, the removal of our suspension of payments, as I had been about to propose, would be premature. He expressed his disapprobation of the clause above mentioned ; thought it highly improper in the Legislature to change an appropriation once made, and added, that no one could tell in what that would end. I concurred, but observed, that on a division of the House, the ayes for striking out the clause were twenty-seven, the noes twenty-six ; whereon the Speaker gave his vote against striking out, which divides the House ; the clause for the disappropriation remained of course. I mentioned suspicions, that the whole of this was a trick to serve the Bank under a great existing embarrassment ; that the debt to the Bank was to be repaid by installments ; that the first installment was of two hundred thousand dollars only, or rather one hundred and sixty thousand dollars (because forty thousand of the two hundred thousand dollars would be the United States' own dividend of the installment) Yet here were two millions to be paid them at once, and to be taken from a purpose of gratitude and honor, to which it had been appropriated."

The latter part of this extract will be better understood after reading the following proceedings in Congress.

The committee to which was referred Hamilton's plan for repaying the United States Bank the two millions of dollars borrowed of it—only two hundred thousand of which were due by the terms of the loan<sup>1</sup>—and appropriating to this object the money formerly borrowed in Amsterdam to pay the French debt, and set apart by law for that purpose, and authorizing the President to borrow two millions to replace it—reported a bill based on the Secretary's recommendation, on the 24th of December. Steele moved to strike out the enacting clause. Madison declared in the debate :

" With respect to the money appropriated and now lying useless, he was of opinion that it ought to be immediately applied to the original purpose, to pay our debt to France. Now was the time to discharge our obligations to that country ; and so far from considering the present posture of affairs in France as a reason for withholding payment, he would rather wish that the sum was waisted to them on the wings of the wind."

<sup>1</sup> In reality but \$160,000, as Mr. Jefferson has just shown.

Steele's motion was lost by a decisive majority ; and Madison then moved to reduce the payment to the Bank to two hundred thousand dollars, the sum actually due it. This was lost, as Mr. Jefferson remarks, only by the casting vote of the Speaker ; but it finally prevailed later in the session. The defeat of the Federalists on two such favorite measures as assisting the United States Bank and showing their hostility to the new Government of France, was keenly felt by them ; and it probably gave a token of the effect of "the expression of the public sentiment in the late election."

Three days after the last named interview with the President, Mr. Jefferson drew up an answer to a letter of the American Minister in London of September 19th. In this, he laid down what he terms "the catholic principle of republicanism," as follows :

"You express a wish in your letter to be generally advised as to the tenor of your conduct, in consequence of the late revolution in France, the questions relative to which, you observe, incidentally present themselves to you. It is impossible to foresee the particular circumstances which may require you to decide and act on that question. But, principles being understood, their application will be less embarrassing. We certainly cannot deny to other nations that principle whereon our government is founded, that every nation has a right to govern itself internally under what forms it pleases, and to change these forms at its own will, and externally to transact business with other nations through whatever organ it chooses, whether that be a King, Convention, Assembly, Committee, President, or whatever it be. The only thing essential is, the will of the nation. Taking this as your polar star, you can hardly err."

He says he was induced to write this to extract the President's opinion on the question involved (which had divided Jefferson and Hamilton in the Cabinet consultation and conversations already given), and should it be favorable to his own, "to place the principles on record in the letter books of his office."<sup>1</sup> The President returned his approbation in writing.

The partialities of the Republicans and Federalists, respectively, for France and England, now burned fiercely throughout the United States. The bloody events of the second and third of September in the former, had sent a thrill of horror through Christendom ; and when the National Assembly swore "hatred

<sup>1</sup> The Secretary had substantially laid down the same principle in a letter to Mr. Morris, which bears date November 7th. He appears to have been anxious to obtain the President's written approbation.



to kings and royalty, and that no foreign power should ever be suffered to dictate laws to the French," the friends of strong government throughout the earth regarded it as a signal for the dissolution of the social fabric in that devoted country. The American Republicans, on the other hand, were not deterred by the atrocities committed by maddened mobs, or by bodies of men of any kind, during the birth of the new government, from recognizing the principle which we have just seen sanctioned by their own Executive. When the "Republic, one and indivisible," rose armed with the energy of despair against a coalition of nearly all central and southern Europe, the American Republicans considered it, as it no doubt was, essentially a contest between forms of government—between legitimacy and the right of self-government—between the monocratic and democratic principle. Which way the sympathies of the friends of popular government would incline in such a struggle, could not be a matter of doubt. They find an earnest and almost terrible expression in a letter (January 3d, 1793) from Mr. Jefferson to his former Secretary, Mr. Short, then Minister in Holland:

"The tone of your letters had for some time given me pain, on account of the extreme warmth with which they censured the proceedings of the Jacobins of France. I considered that sect as the same with the Republican patriots, and the Feuillants as the Monarchical patriots, well known in the early part of the Revolution, and but little distant in their views, both having in object the establishment of a free constitution, differing only on the question whether their chief Executive should be hereditary or not. The Jacobins (as since called) yielded to the Feuillants, and tried the experiment of retaining their hereditary Executive. The experiment failed completely, and would have brought on the reestablishment of despotism had it been pursued. The Jacobins knew this, and that the expunging that office was of absolute necessity. And the nation was with them in opinion, for however they might have been formerly for the Constitution framed by the first Assembly, they were come over from their hope in it, and were now generally Jacobins. In the struggle which was necessary, many guilty persons fell without the forms of trial, and with them some innocent. These I deplore as much as anybody, and shall deplore some of them to the day of my death. But I deplore them as I should have done had they fallen in battle. It was necessary to use the arm of the people, a machine not quite so blind as balls and bombs, but blind to a certain degree. A few of their cordial friends met at their hands the fate of enemies. But time and truth will rescue and embalm their memories, while their posterity will be enjoying that very liberty for which they would never have hesitated to offer up their lives. The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to

this cause, but rather than it should have failed I would have seen half the earth desolated; were there but an Adam and Eve left in every country, and left free, it would be better than it now is."

This is expressive enough of the writer's estimation of the value of human liberty, even when weighed in the balance, temporarily, against all other human interests! It seems to show, too, that he had surrendered his earlier conservatism in regard to the appropriate aims of the French Revolution—or else, that inasmuch as France had advanced to the Constitution of 1791—the anomalous union of a democracy with a hereditary executive—he believed her safety now required her to run the full course of the democratic experiment she had entered upon. The last is undoubtedly the correct solution.

This letter is characteristic of the high and impassioned tone of feeling at that remarkable period. The politicians of that day, not only in the United States, but in all parts of Europe where political speculations take root, appear to have generally come to the conclusion that this was one of those great crises in the world's history when the institutions of coming centuries are hanging in the scales—when the event of a pending struggle will give their direction to the currents of human civilization for ages. Nor is it, perhaps, altogether certain that this view was an erroneous one. But whether so or not, the impression rendered men more indifferent to all minor questions and consequences, than would seem possible to the mind, looking out from a calm epoch. The man to whose heart the least cry of human distress sends a keen pang, when he is surrounded by peace and its associations, can hardly realize that in an army, and with the fate of a great cause hanging on its success, he could unshrinkingly see thousands of his comrades, as well as his enemies, devoted to a violent death, or to physical calamities far more appalling.

Thus, at this point, the friends and enemies of republicanism throughout the earth looked on the terrible struggle between France and the Coalition. The enemies of republicanism thought it right for the world to band against one nation, and devote its people to rapine and slaughter, to exterminate an obnoxious political principle. The Republicans thought that the bloodshed and excesses attending a forcible transition to national freedom were as excusable as those with which despotism was generally

founded, and which it *never* ceased from time to time to inflict. As the great struggle advanced, there was some changing of sides on account of particular causes calculated to influence particular minds; and there can be no doubt that there was an extensive falling off of the sympathizers with France, by reason of the succeeding atrocities developed by the Revolution. But while the liberals of Europe, and particularly in England, abandoned her cause with disgust, and while many did so in the United States who were far from desiring a monarchy at home, few of the decided members of the Republican party in the latter ever ceased to prefer the cause of the French Republic to that of the coalition of its monarchical foes.

As the contest went on, it was curious to see how just and humane men on both sides could learn apparently to overlook the horrors committed or caused by those who had their partialities, or at least how they could continue to feel those partialities for the perpetrators of such crimes. One dreadful event seemed to prepare the mind for another and more dreadful one, till both sides would appear, at first view, looking back on their expressions at this day, to have partly sanctioned enormities which should shock civilized men. But, in reality, it was with good men on both sides a choice of evils. Or rather it was a struggle between certain great principles, and each wished success to his principle, notwithstanding the path to it, like the opposite one, should be stained by crime and blood. Jefferson's letter to Short, which we have quoted, gives a most vivid picture of the feelings of the day.

Mr. Jefferson's determination to retire from the Cabinet at the close of the President's first term of office (now rapidly approaching) had become known to a few intimate friends; and on the assembling of Congress in the preceding November, it had soon spread throughout the Republicans of that body. Their regret was universal, and they earnestly besought him to reconsider his determination. Many objections, however, stood in the way. His estate had suffered greatly by his long absence; his house was unfinished and in-door and out-door repairs and changes of all kinds were needed on his farms. He had been only a transient visitor at his home for nearly ten years. He had been actively and absorbingly engaged, during that period, in public life. He was not only tired of its constant labors, of

its encroachments on all those enjoyments which his feelings and his tastes rendered so dear to him, but circumstances had conspired to make his present situation especially, and positively, irksome to him.

The ordinary feverish excitements of high official position—which ultimately become, of themselves, utterly wearisome to minds leaning towards serene and contemplative habits—were aggravated, to him, by the peculiar state of things in the Cabinet. It was the theatre of a perpetual conflict, distasteful in all its circumstances. Jefferson was too immovable in his own opinions to have any disposition to combat those of others.<sup>1</sup> Protracted argumentation was disagreeable to him, and anything approaching to altercation, positively disgusting. Hamilton had none of this passiveness, or rather this quietness of demeanor. Keen to carry his point—with a lawyer's tenacity in dispute—impetuous—oftentimes imperious in his language when roused by contest or moved by personal feeling—never yielding any point however often settled, without a new struggle—a man of resources and management—differing radically with Jefferson on almost every important question—there was one incessant battle to be fought with him. This was the more necessary because the President, oppressed with duties, and with strength abated by sharp attacks of disease, could not well bestow the labor of personally investigating the original facts and the authorities in every case. It was for the members of the Cabinet to do this, and to present them—and it was, ordinarily, enough for the President to hear their statements and decide between them.

Jefferson could not rely on Randolph as a good supporter; and it was never safe to trust him with the principal management of the argument. This ingenious gentleman would be likely to beat himself, on some of his own important positions, if he had no adversary; and he would be sure, on the strength of some wire-drawn subtlety, to propose a compromise before one was asked—unless toned up by the more powerful intellect and purpose of his Republican colleague—or rather, perhaps we should say, unless driven to choose between the adverse

<sup>1</sup> Goethe (in *Wilhelm Meister*, we think) says of one of his characters: "In his own impenetrable firmness of character, he had grown into the habit of never contradicting any one in conversation."

positions of his political friend and political antagonist. We can, therefore, readily understand what Jefferson meant when he afterwards spoke of himself and Hamilton as being constantly "pitted, like cocks," against each other during their common stay in the Cabinet—and the feelings of disgust implied by that comparison.

But we have not enumerated the most disagreeable feature of all. Men can endure sharp opposition, and even some distasteful accessories to it, from friends, or from those whose opposition is speculative, or confined to public affairs. Such was not the case here. Pending the second Presidential election, and for a considerable period afterwards—during all the earlier portion of the last session of the second Congress—during the entire autumn of 1792, and pending the later Cabinet discussions to which we have referred—Hamilton was notoriously, though anonymously, personally attacking the character of his colleague in the public prints—stigmatizing him with every degree of absolute dishonesty, every shade of concealed meanness in public and private life !<sup>1</sup>

The very means which were resorted to, probably with the object of driving Jefferson out of the Cabinet, were those which weighed most strongly in preventing him from carrying his purpose of retirement into effect. Hot, overbearing men do not always duly estimate the passive courage, which puts on no bristling airs, and cares little for mere revenge—but which always mounts up with the emergency, and is always precisely proportioned to the demand. We anticipate, in the presentation of one of the usual family letters, because it gives a closer picture of Mr. Jefferson's inner feelings at this moment, than can be found elsewhere :

TO MARTHA JEFFERSON RANDOLPH.

PHILADELPHIA, *January 26, 1793.*

MY DEAR MARTHA :

I received two days ago yours of the 16th. You were never more mistaken than in supposing you were too long on the prattle, etc., of little Anne. I read it with quite as much pleasure as you write it. I sincerely wish I could hear of her perfect reëstablishment. I have for some time past been under an agitation of mind which I scarcely ever experienced before, produced by a check on my purpose of returning home at the close of this session of Congress. My operations at Monticello

<sup>1</sup> We have only mentioned Hamilton's attacks under three signatures. He made them under at least two others.

had been all made to bear upon that point of time; my mind was fixed on it with a fondness which was extreme, the purpose firmly declared to the President, when I became assailed from all quarters with a variety of objections. Among these it was urged that my retiring just when I had been attacked in the public papers, would injure me in the eyes of the public, who would suppose I either withdrew from investigation, or because I had not tone of mind sufficient to meet slander. The only reward I ever wished on my retirement was, to carry with me nothing like a disapprobation of the public. These representations have for some weeks past shaken a determination which I have thought the whole world could not have shaken. I have not yet finally made up my mind on the subject, nor changed my declaration to the President. But having perfect reliance in the disinterested friendship of some of those who have counselled and urged it strongly; believing they can see and judge better a question between the public and myself than I can, I feel a possibility that I may be detained here into the summer. A few days will decide. In the meantime I have permitted my house to be rented after the middle of March, have sold such of my furniture as would not suit Monticello, and am packing up the rest and storing it ready to be shipped off to Richmond as soon as the season of good sea weather comes on. A circumstance which weighs on me next to the weightiest is the trouble which, I foresee, I shall be constrained to ask Mr. Randolph to undertake. Having taken from other pursuits a number of hands to execute several purposes which I had in view this year, I cannot abandon those purposes and lose their labor altogether. I must, therefore, select the most important and least troublesome of them, the execution of my canal, and (without embarrassing him with any details which Clarkson and George are equal to) get him to tell them always what is to be done and how, and to attend to the levelling the bottom; but on this I shall write him particularly if I defer my departure. I have not received the letter which Mr. Carr wrote to me from Richmond, nor any other from him since I left Monticello. My best affections to him, Mr. Randolph, and your fireside, and am, with sincere love, my dear Martha, yours.

TH. JEFFERSON.<sup>1</sup>

The considerations mentioned in this letter united with the continued solicitations of his friends finally prevailed. The following particulars of his communicating his change of mind to the President are given in the *Ana*:

"*February the 7th, 1798.*—I waited on the President with letters and papers from Lisbon. After going through these, I told him that I had for some time suspended speaking with him on the subject of my going out of office, because I had understood that the bill for intercourse with foreign nations was likely to be rejected by the Senate, in which case, the remaining business of the department would be too inconsiderable to make it worth while to keep it up. But that the bill being now passed, I was freed from the considerations of propriety which had embarrassed me. That, etc. [nearly in the words of a letter to Mr. T. M. Randolph, of a few days ago], and that I should be willing, if he had taken no arrangements to the contrary, to continue somewhat longer, how long I could not say, perhaps till summer, perhaps autumn. He said, so far from taking arrangements on the

<sup>1</sup> The most important parts of this letter are given in the Congress edition of Mr. Jefferson's Works, directed "to Mrs. Randolph" (vol. iii. p. 506).

subject, he had never mentioned to any mortal the design of retiring which I had expressed to him, till yesterday, when having heard that I had given up my house, and that it was rented by another, he thereupon mentioned it to Mr. E. Randolph, and asked him, as he knew my retirement had been talked of, whether he had heard any persons suggested in conversation to succeed me. He expressed his satisfaction at my change of purpose, and his apprehensions that my retirement would be a new source of uneasiness to the public."<sup>1</sup>

The following further very interesting explanations transpired in the same conversation :

"He said Governor Lee had that day informed him of the general discontent prevailing in Virginia, of which he never had had any conception, much less sound information. That it appeared to him very alarming. He proceeded to express his earnest wish that Hamilton and myself could coalesce in the measures of the Government, and urged here the general reasons for it which he had done to me in two former conversations. He said he had proposed the same thing to Hamilton, who expressed his readiness, and he thought our coalition would secure the general acquiescence of the public. I told him my concurrence was of much less importance than he seemed to imagine ; that I kept myself aloof from all cabal and correspondence on the subject of the Government, and saw and spoke with as few as I could. That as to a coalition with Mr. Hamilton, if by that was meant that either was to sacrifice his general system to the other, it was impossible. We had both, no doubt, formed our conclusions after the most mature consideration ; and principles, conscientiously adopted, could not be given up on either side. My wish was, to see both houses of Congress cleansed of all persons interested in the Bank or public stocks : and that a pure Legislature being given us, I should always be ready to acquiesce under their determinations, even if contrary to my own opinions ; for that I subscribe to the principle, that the will of the majority, honestly expressed, should give law. I confirmed him in the fact of the great discontents to the South ; that they were grounded on seeing that their judgments and interests were sacrificed to those of the eastern States on every occasion, and their belief that it was the effect of a corrupt squadron of voters in Congress, at the

<sup>1</sup> We have mentioned that Mr. Jefferson's private affairs at home were suffering by his absence. The following hitherto unpublished letter to one of his brothers-in-law, will show the effect of holding his present office on his pecuniary affairs, in another phase :

*To Francis Eppes, Esq., Eppington.*

*"PHILADELPHIA, February 27, 1798.*

"DEAR SIR :

"The Commissioners of the Indian Treaty will not leave this place till the 1st of April, which gives more time to provide for Jack [John W. Eppes, then a student in Philadelphia]. I shall not return home as soon as I expected, though I shall not extend the term of my service long. I shall ship off my furniture about the beginning of April ; and find in fact that my provision for winding up my affairs here, removing bag and baggage, will fall short some hundred dollars. If, therefore, Mr. Cary's executor can be pushed to make good his promises, some part of my portion of it will be not only seasonable, but necessary to me. With every wish for the health and happiness of Mrs. Eppes, yourself and family,

"I am, dear sir,

"Yours affectionately,

"TH. JEFFERSON."

For another unpublished letter, to the same, of some interest in the same connection see APPENDIX, No. 10.

command of the Treasury; and they see that if the votes of those members who had any interest distinct from, and contrary to the general interest of their constituents, had been withdrawn, as in decency and honesty they should have been, the laws would have been the reverse of what they are on all the great questions. I instanced the new Assumption carried in the House of Representatives by the Speaker's vote. On this subject he made no reply. He explained his remaining in office to have been the effect of strong solicitations after he returned here; declaring that he had never mentioned his purpose of going out but to the heads of departments and Mr. Madison; he expressed the extreme wretchedness of his existence while in office, and went lengthily into the late attacks on him for levees, etc. and explained to me how he had been led into them by the persons he consulted at New York; and that if he could but know what the sense of the public was, he would most cheerfully conform to it."

The different attitudes of the two Secretaries on the subject of a coalition, were, as already remarked, characteristic of their respective systems of political action.

The new Assumption Bill complained of by Mr. Jefferson was defeated in the Senate, and he has the following entry in the *Ana* on the subject:

"There is reason to believe that the rejection of the late additional Assumption by the Senate, was effected by the President through Lear, operating on Langdon. Beckley knows this."<sup>1</sup>

He records a conversation with Colonel W. S. Smith,\* on the 20th of February, in which the latter (who left Paris in November) stated to him that the French Ministers had entirely broken with Gouverneur Morris, and refused to see or hear from him;† that they were about sending Genet to the United States with full powers to give them all the privileges they could desire in the territories of the French Republic, and particularly in the West Indies, and that they even contemplated setting the latter free next summer; that they proposed to emancipate South America, and would send forty-five ships of the line there next spring for that purpose; that they desired the American debt to be paid in provisions, and would authorize their minister to negotiate this; and that the Minister of Foreign Affairs, Le Brun, had charged him [Smith] with a letter to the President informing him that the bearer would communicate to him

<sup>1</sup> This is inserted without a date, between the two entries, dated Feb. 16th and 20th.

<sup>2</sup> Vice-President Adams's son-in-law.

<sup>3</sup> Smith informed Jefferson that "Morris at his own table, in presence of his company and servants, cursed the French Ministers, as a set of damned rascals; said the King would stid be replaced upon the throne," etc. etc.—*Ana*, Feb. 20th.



"plans worthy of his great mind," and wishing his opinions as to the means most suitable to carry them out.

The Secretary of State had, five or six days before, received through the French Minister, M. de Ternant, complaints from that Government of the conduct of both Mr. Morris and Mr. Short. These were communicated to the President on the 20th of February. The Secretary had an interview with him the same evening, and he thus mentions what transpired :

"He [the President] said he considered the extracts from Ternant very serious—in short, as decisive ; that he saw that Gouverneur Morris could be no longer continued there consistent with the public good ; that the moment was critical in our favor, and ought not to be lost ; that he was extremely at a loss what arrangement to make. I asked him whether Gouverneur Morris and Pinckney might not change places. He said that would be a sort of remedy, but not a radical one. That if the French ministry conceived Gouverneur Morris to be hostile to them ; if they would be jealous merely on his proposing to visit London, they would never be satisfied with us at placing him at London permanently. He then observed, that though I had unfixed the day on which I had intended to resign, yet I appeared fixed in doing it at no great distance of time ; that in this case, he could not but wish that I would go to Paris ; that the moment was important : I possessed the confidence of both sides, and might do great good ; that he wished I could do it, were it only to stay there a year or two. I told him that my mind was so bent on retirement that I could not think of launching forth again in a new business ; that I could never again cross the Atlantic ; and that as to the opportunity of doing good, this was likely to be the scene of action, as Genet was bringing powers to do the business here ; but that I could not think of going abroad. He replied that I had pressed him to continue in the public service, and refused to do the same myself. I said the case was very different ; he united the confidence of all America, and was the only person who did so : his services, therefore, were of the last importance ; but for myself, my going out would not be noted or known. A thousand others could supply my place to equal advantage, therefore I felt myself free ; and that as to the mission to France, I thought perfectly proper<sup>1</sup> He desired me then to consider maturely what arrangement should be made."

M. de Ternant having applied for the payment of a portion of the debt due to France, to be expended in the United States for provisions, the Cabinet decided (February 25th, 1793) to accede to his request, Hamilton alone dissenting. It soon after (March 2d) unanimously decided not thus to prepay the portions of the debt which still remained undue. Towards the close of February, the Secretary of State replied in behalf of the President to the notification of the Provisory Executive Council of

<sup>1</sup> Something is obviously omitted between the words "thought perfectly"—probably something equivalent to "my determination" or "circumstances rendered my determination"

France, that the nation had constituted itself into a republic. Two drafts of the letter appear in the Congress edition of Jefferson's Works.<sup>1</sup> Its tone is very guarded. In the last, a sentence, expressing the joy which had "overspread our country on seeing the liberties of" France "rise superior to foreign invasion and domestic trouble," is inclosed in brackets, as if omitted in the copy sent.

In the debate in Congress in December, on the payment of two millions to the United States Bank, which had led to so signal a triumph of the Republicans, and in those on the various other questions, the Secretaries of the Treasury and of War had not escaped very severe animadversions on their official conduct. Steele, in advocating his motion to reduce the regular army employed against the Indians, made a very pointed attack on the administration of the War department.\* Mercer, of Maryland, in moving an amendment to the new Assumption Bill, threw out severe imputations on the originators of the first one. His remarks were thought to implicate members of the House, and Fitzsimmons and Sedgwick replied with great warmth.

But the most acrimonious debate of the session arose on what was considered an attempt to substantiate a direct charge of official misconduct against the Secretary of the Treasury. On the 23d of January, Mr. Giles of Virginia introduced five resolutions into the House, calling on the President for copies of the authorities under which the loans authorized by acts passed in August, 1790, had been negotiated, and the moneys applied; the names of the persons paying and receiving the money, dates, etc.; directing the Secretary of the Treasury to lay before the House a statement of the half-monthly balances between the Government and the Bank and its branches; a statement of money paid into the Sinking Fund, specifying the fund from which it had accrued, and exhibiting, half-yearly, the sums uninvested, and where deposited; and also the balance of unapplied revenue in 1792, and where these and all unapplied moneys raised by loan were then deposited.

The mover followed his resolutions by a speech in which he imputed inaccuracy and improper suppressions to the reports of the Secretary of the Treasury. He claimed that Congress was

Feb. 20th and 23d, vol. iii. pp. 516, 518.

\* December 28th.

legislating so blindly in regard to treasury affairs, that it had actually authorized the borrowing of five hundred thousand dollars of the Bank of the United States when the Government had a larger sum on deposit in its vaults!

Giles's resolutions passed without dissent; and on the 4th of February, Hamilton replied in part, commencing with the last of the resolutions.<sup>1</sup> He several times made pointed allusions to the motives which had prompted the investigation, and closed his paper with the following paragraph:

"Is it not truly matter of regret, that so formal an explanation, on such a point, should have been made requisite? Could no personal inquiry, of either of the officers concerned, have superseded the necessity of publicly calling the attention of the House of Representatives to an appearance, in truth, so little significant? Was it seriously supposable that there could be any real difficulty in explaining that appearance, when the very disclosure of it proceeded from a voluntary act of the head of this department?"

It is not probable that any head of department would now venture to think such questions as these very pertinent in an answer to resolutions of inquiry from the House of Representatives. But it is to be remembered that the line of precedent on this subject was not yet well established, and that Hamilton and his followers were disposed to deny such powers to the House over heads of departments. Hamilton specially insisted that the law constituting the Treasury department did not compel it to produce its papers at the call of that body.

He further replied to the resolutions of inquiry, on the 13th of February, elaborately examining the subject of the foreign loans;<sup>2</sup> and on the 20th, in respect to his transactions with the Banks.<sup>3</sup>

For the purpose of obtaining further information, Giles then moved a call on the Commissioners of the Sinking Fund, for a statement of their hitherto unpublished *proceedings*. This, after a sharp opposition from the most intimate friends of Hamilton—who wished to limit the inquiry to *purchases made* by the Commissioners—passed by a vote of thirty-nine to twenty-two.<sup>4</sup>

<sup>1</sup> This paper, with accompanying abstracts, will be found in Hamilton's Works, vol. iii. p. 367.

<sup>2</sup> See Hamilton's Works, vol. iii. p. 371.

<sup>3</sup> *Ib.* vol. iii. p. 413.

<sup>4</sup> In a letter from Hamilton to King, dated April 2d, 1793, occurs the following paragraph, italicized as given:

"A meeting of the Commissioners has lately been called by Mr. Jefferson, out of the course heretofore practised, in which I have been pressed to declare *whether I had or had not funds applicable to purchases*. I answered so as to be safe. But you readily perceive

On the 28th of February, Giles offered resolutions, based on the information received, directly censuring the Secretary of the Treasury for neglecting to give information to Congress of the money drawn by him from Europe during the years 1791 and 1792—for non-compliance with the acts of August 4th and August 12th, 1790 (which authorized separate loans for separate purposes), as well as with the instructions of the President '—for drawing into the United States a larger sum raised on those loans than was authorized by law—for negotiating loans with the United States Bank not demanded by the public interests—and, finally, for disrespect to the House in questioning the motives of one of its members.

The three first of these charges, in their literal import, admitted of no denial—they were established by the Secretary's own answers to the House. The two remaining ones, being matters of opinion, could not be said to be so definitely settled. Giles, Madison, Mercer and Findley, supported the resolutions, and they were opposed by Sedgwick, Fitzsimmons, Livermore, Smith of South Carolina, Barnwell, Boudinot and some others. The real defence of the Secretary of the Treasury was put upon the ground that his departures from law had been technical, and that he had intended only to act for the public good. The last consideration, perhaps, and the fact that the resolutions and the whole course of the investigation were looked upon by the public as having been made to involve the issue of the personal and official *integrity* of the Secretary of the Treasury, created so much sympathy in his favor, that after a furious debate of two days, the House, on the 1st of March, threw out the resolutions by votes ranging from forty to thirty-three in the affirmative, and from fifteen to seven in the negative. Mr. Madison voted with the minority on every division.

Jefferson put a less charitable construction on the motives of the majority, in the following entry in his *Annals*:

"*March the 2d, 1793.*—See in the papers of this date, Mr. Giles's resolutions. He and one or two others were sanguine enough to believe, that the palpableness

the design of this movement. There is no doubt in my mind, that the next session will revive the attack with more system and earnestness—and it is surely not the interest of anybody, or any thing, that a serious *handle* should be furnished."—*Hamilton's Works*, vol. v. p. 552.

<sup>1</sup> For a letter on this subject, a few months later, from the President to Hamilton, and Hamilton's *haughty* and *angry* reply, see Sparks's *Washington*, vol. x. pp. 396 and 554.

of these resolutions rendered it impossible the House could reject them. Those who knew the composition of the House, 1. Of bank directors; 2. Holders of bank stock; 3. Stock jobbers; 4. Blind devotees; 5. Ignorant persons who did not comprehend them; 6. Lazy and good humored persons, who comprehended and acknowledged them, yet were too lazy to examine, or unwilling to pronounce censure; the persons who knew these characters, foresaw, that the three first descriptions making one third of the House, the three latter would make one half of the residue; and of course, that they would be rejected by a majority of two to one. But they thought, that even this rejection would do good, by showing the public the desperate and abandoned dispositions with which their affairs were conducted. The resolutions were proposed, and nothing spared to present them in the fullness of demonstration. There were not more than three or four who voted otherwise than had been expected."

Some further Cabinet consultations than those already mentioned took place prior to the 4th of March, but they perhaps gave rise to no important expressions of opinions not already made known, or which will not soon again occur more distinctly announced, or under more important circumstances.

On the 4th of March, General Washington and Mr. Adams entered on their second terms of office. It has never been doubted, we believe, that Virginia would have preferred to cast her vote for Mr. Jefferson rather than Mr. Clinton, had the Constitution permitted her electors to vote for two of her citizens as President and Vice-President. Some of the Federalists, and Hamilton among them,<sup>1</sup> suspected that the names of the other Republican candidates for the Vice-Presidency might be only used as a mask to conceal an effort to elect Mr. Jefferson without the vote of Virginia! But, the truth was, the Republican leaders much preferred that he should remain in a position which circumstances, for the time being, rendered vastly more important than the Vice-Presidency.

In the beginning of April, news reached the United States that France had declared war against Great Britain. The fact that the latter had previously ordered the French Ambassador to quit her territory within eight days, was generally considered the initiatory step to hostilities, and that though France had acted at once on this intimation, to leave her foe no further time for preparation, the war on her part was essentially a defensive one.<sup>2</sup> But a few years had elapsed since the same powers had

<sup>1</sup> See his letters to Gen. C. C. Pinckney and to Steele. Hamilton's Works, vol. v pp. 532, 533.

<sup>2</sup> How completely it was so, *in point of fact*, will appear from a letter of Governor Morris to General Washington, December 28, 1791.

stood arrayed against each other in our own country; the one as a ruthless enemy, conceding to American "rebels" not even the harsh mercies of ordinary warfare; the other as a generous ally and deliverer. During those intervening years, the continued enmity of the former, and the continued friendship of the latter, had been manifested on every practicable occasion. Great Britain, in defiance of treaties, still held forcible occupation of important portions of our territory. There was scarcely a man in the nation who did not believe that the long train of our bloody wars with the Indian tribes had been directly fomented by her, and that she furnished the savages with supplies. Her holding the American posts undeniably sheltered them from effectual chastisement or restraint. Independently, then, of all considerations growing out of the fact that the struggle between France and her enemies was virtually one between republicanism and monarchy—considerations which could not fail to enlist the eager sympathies of the advocates of those respective forms of government throughout Christendom—it would not be wonderful that the current of American feeling immediately set strongly in favor of France. And putting both of these causes together, that current became so strong that it swept along all but that comparative handful of Federal leaders whom Hamilton was wont to term the "strong-minded" politicians—and Jefferson to term "monarchists."

The President was at Mount Vernon when the preceding intelligence reached the United States. A minister from France was soon expected. It was necessary to settle the line of policy our Government meant to pursue on the various questions which the occasion presented—particularly as the President knew that his Cabinet would stand divided in regard to some of the most important of them.<sup>1</sup> He therefore hastened to Philadelphia, and

<sup>1</sup> Even Judge Marshall says:

"A great majority of the American people deemed it criminal to remain unconcerned spectators of a conflict between their ancient enemy and republican France. The feeling on this occasion was almost universal. Men of all parties partook of it. \* \* \* The few who did not embrace these opinions, and they were certainly very few, were held up as objects of detestation; and were calumniated as the tools of Britain, and the satellites of despotism."—*Marshall's Washington*, vol. ii. p. 256.

<sup>2</sup> Mr. Jefferson says in his *Annals* (March 30th, 1793), that at a Cabinet meeting on the 25th of February, Hamilton remarked that "when Mr. Genet arrives, whether we shall receive him or not, would then be a question for discussion." On the 20th of March, therefore, as the President was about setting out for Mount Vernon, Mr. Jefferson observed to him that Genet might arrive in his absence, and he wished to know beforehand how he should treat him. The President said that he could see no ground to doubt that he ought to be received. On the 24th of March the President consulted the Attorney-General, informing him that he had spoken with Colonel Hamilton, "who went

submitted the following, among other questions, to his Cabinet: Whether a proclamation should issue to prevent citizens of the United States from interfering in the war between France and Great Britain, and whether it should contain a declaration of *neutrality*; whether the French Minister should be received; whether he should be received absolutely or with qualifications; whether the United States were required to consider their treaties with France binding, and whether they could renounce or suspend them till the government of France should be established; whether, if they had the right, it would be expedient to do one or the other; whether it would be a breach of neutrality to consider the treaties still in operation, etc.

The series of questions entire is long and abounds with subtle distinctions. For this reason, and because he thought they tended towards a declaration that our treaties with France were void, Mr. Jefferson conjectured that they were prepared by Hamilton; and he believed that the "doubts" were "his alone."<sup>1</sup> The Cabinet met at the President's on the 19th of April, and what transpired is thus recorded in the *Ana*:

"The first question, whether we should receive the French minister, Genet, was proposed, and we agreed unanimously that he should be received; Hamilton, at the same time, expressing his great regret that any incident had happened, which should oblige us to recognize the Government. The next question was, whether he should be received absolutely, or with qualifications. Here Hamilton took up the whole subject, and went through it in the order in which the questions sketch it." See the chain of his reasoning in my opinion of April the 28th. Knox subscribed at once to Hamilton's opinion that we ought to declare the treaty void, acknowledging, at the same time, like a fool as he is, that he knew nothing about it. I was clear it remained valid. Randolph declared himself of the same opinion, but on Hamilton's undertaking to present to him the authority in Vattel (which we had not present) and to prove to him, that if the authority was admitted, the treaty

into lengthy considerations of doubt and difficulty, and viewed it as a very unfortunate thing that the President should have the decision of so critical a point forced on him; but in conclusion, said he did not see but the President must receive Mr. Genet." Randolph told the President he was clear he should be received, and the President said he had never had any doubt on the subject in his mind. On the same day the President spoke to Mr. Jefferson again on the subject, and said, "Mr. Genet should be unquestionably received, but he thought not with too much warmth or cordiality, so only as to be satisfactory to him." "I wondered," says Jefferson, "at first at this restriction; but when Randolph afterwards communicated to me his conversation of the 24th, I became satisfied it was a small sacrifice to the opinion of Hamilton."

<sup>1</sup> For the questions entire, see Sparks's *Washington*, vol. x. p. 533.

<sup>2</sup> Hamilton seems to have privately entertained considerable more doubt than Jefferson was aware of on the subject of receiving Genet at all. See his letter to John Jay of April 9, 1793, in *Life and Writings of John Jay*, vol. i. p. 298. (This is not given in *Hamilton's Works*.) Jay replied, "I would not receive any minister from a regent until he was *regent de facto*."—*Ib.* vol. i. p. 300.

might be declared void, Randolph agreed to take further time to consider. It was adjourned. We determined, unanimously, the last question, that Congress should not be called. There having been an intimation by Randolph, that in so great a question, he should choose to give a written opinion, and this being approved by the President, I gave in mine April the 28th. Hamilton gave in his. I believe Knox's was never thought worth offering or asking for. Randolph gave his May the 6th, concurring with mine. The President told me, the same day, he had never had a doubt about the validity of the treaty; but that since a question had been suggested, he thought it ought to be considered: that this being done, I might now issue passports to sea vessels in the form prescribed by the French treaty. I had, for a week past only issued the Dutch form; to have issued the French, would have been presupposing the treaty to be in existence. The President suggested, that he thought it would be as well that nothing should be said of such a question having been under consideration.

“Written May the 6th.”

It was agreed unanimously “that a proclamation should issue forbidding our citizens to take part in any hostilities on the seas, with or against any of the belligerent powers; and warning them against carrying to any such powers any of those articles deemed contraband, according to the modern usage of nations; and enjoining them from all acts and proceedings inconsistent with the duties of a friendly nation towards those at war.”<sup>1</sup> The proclamation, as first proposed, was a declaration of *neutrality*. Jefferson opposed this successfully, on two grounds—that such a declaration would amount to one that the United States would take no part in the war, to determine which the Executive was not competent—that it would be better to hold back such a declaration, if it was to be made at all, to secure a “price” for it, namely, “the broadest privileges of neutral nations.”<sup>2</sup> Randolph drew the paper and exhibited the draft to Jefferson to show him “there was no such word as neutrality in it.”<sup>3</sup> The latter considered the omission of any terms which would allow the affection of America for France to be discovered, a piece of “pusillanimity” characteristic of the writer, and productive of evil, because the people, “seeing the Government does not express their mind, perhaps rather leans the other way, are coming forward to express it themselves.”<sup>4</sup>

<sup>1</sup> Sparks's Washington, vol. x. p. 534.

<sup>2</sup> Jefferson to Madison, June 23d, 1793; to Monroe, July 14.

<sup>3</sup> Jefferson to Monroe, July 14, 1793. Some of the leading Federalists saw the same difficulty in a declaration of *neutrality*. (See Jay to Hamilton, Hamilton's Works, vol. v. p. 552; Sedgwick to Hamilton, ib. vol. v. p. 581.) Others complained of the omission of the word. (See King to Hamilton, ib. vol. v. p. 563.)

<sup>4</sup> This was written after Genet's arrival.



Hamilton delivered an elaborate written opinion on the third question of the President (in regard to receiving a minister), before the close of the month; and on the remaining ones on the 2d of May.<sup>1</sup> In the latter paper he asserted that "the war is plainly an offensive war on the part of France," and therefore that the guaranty in the treaty of alliance between her and the United States "cannot take place, though her West India Islands should be attacked." The hostility evinced towards the present Government of France, throughout the paper was extreme. Jefferson's opinion was dated April 28th, and he answered at considerable length the verbal arguments offered by Hamilton in the Cabinet meeting of the 19th, in favor of our right to renounce the treaty; and he arrived at a precisely opposite conclusion.

It has been seen that the President had really prejudged the question of receiving Genet. There is, in fact, every reason to believe that at this period his views as to the proper and politic course to be pursued as between France and England, much more nearly coincided with those of the Republicans than with those of the Federalists. That he looked with the distrust inseparable from a conservative and singularly cautious mind, on that brilliant but portentous meteor of republicanism which was now glaring luridly over the falling thrones and fanes of Europe, is certain; but, living himself in a republican country, and professing to be a republican, he could not plunge into the enormous inconsistency of denying to the French people (or any other people), a right to establish a similiar government, or of desiring to disown them from among nations for exercising that right. Nay, he had sanctioned, or permitted Jefferson to sanction, exactly the opposite doctrine in instructions to our ministers in both France and England. And he had no partialities, personal or political, for England, which induced him to seek that friendship and alliance with it, which it had so long contemptuously refused, and particularly to seek them at the expense of an early and constant ally. But his extreme disinclination to do anything to commit the United States unnecessarily in any direction, as well as his unquestionable dissent from the doctrines of the ultra-Republicans—the democratical Republicans—is

<sup>1</sup> The first will be found in his Works, vol. iv. p. 362, and the second, *ib.* p. 382. The last deserves an attentive perusal from those who would understand Hamilton's politics.

clearly enough shown in a conversation which took place with Jefferson on the 23d of May. The latter had sent to the President, the day before, drafts of letters to be addressed to M. Ternant on the occasion of his recall. Jefferson says :<sup>1</sup>

"He had underscored the words *our republic*. He said that certainly ours was a republican government, but yet we had not used that style in this way: that if anybody wanted to change its form into a monarchy, he was sure it was only a few individuals, and that no man in the United States would set his face against it more than himself: but that this was not what he was afraid of; his fears were from another quarter; that there was more danger of anarchy being introduced."

Then immediately follow, in the same connection, certain remarks which have given much pain to some of the warmest friends of Mr. Jefferson :

"He [the President] adverted to a piece in Freneau's paper of yesterday; he said he despised all their attacks on him personally, but that there never had been an act of the Government, not meaning in the Executive line only, but in any line, which that paper had not abused. He had also marked the word *republic* thus ✓, where it was applied to the French republic. (See the original paper.) He was evidently sore and warm, and I took his intention to be, that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. But I will not do it. His paper has saved our Constitution, which was galloping fast into monarchy, and has been checked by no one means so powerfully as by that paper. It is well and universally known, that it has been that paper which has checked the career of the monocrats; and the President, not sensible of the designs of the party, has not with his usual good sense and *sans froid*, looked on the efforts and effects of this free press, and seen that, though some bad things have passed through it to the public, yet the good have preponderated immensely."

The circumstances have already been adverted to which induced Jefferson to retain Freneau in his office. The words, "I will not do it," above, at first certainly grate harshly on the ear, when applied by the writer to an expressed or implied wish of General Washington; but a little further consideration, we think, will show that they mean no more than would the expression, "I cannot consistently do it," in the mouth of a man more accustomed to wrap up his thoughts in velvety phraseology. They meant no more, in truth, than did the naked fact that he kept Freneau in office. His reasons for that were distinctly known to the President—and knowing them the President again and again solicited him to remain in his Cabinet. That there

<sup>1</sup> Ana, May 23d.

was nothing disrespectful intended in the words quoted, is shown by what immediately follows; but it is much better shown by the whole tenor of his contemporaneous expressions. All of these are deeply respectful, and friendly towards the President. He had recently entreated the latter to accept a reëlection. He claimed him as substantially agreeing with himself and the Republicans, on what he considered as really the cardinal question between the parties. He had recently received the kindest personal expressions from the President. He had recently triumphed in nearly every Cabinet struggle with Hamilton, by the casting vote of the President. The idea, therefore, that Mr. Jefferson meant to utter anything more than a firm determination to adhere to the course he had already marked out in regard to Freneau, is to suppose him guilty of employing offensive expressions without any motive which we can assign to a reasonable man.

If any one is inclined to decide that Mr. Jefferson erred in etiquette or good taste in retaining Freneau, after his language became offensive to the President, and in refusing under any circumstances to affix a quasi-brand of his official displeasure on the ablest organ of the Republican party, they should at least remember that the breadth of toleration it implied to perfect freedom of speech, was a consistent and life-long one with him. We shall find him just as little disposed to interfere with the freedom of the press—to proscribe free discussion—when the power was all in his own hands, and when not only his measures but himself were the subjects of attack.

On the 12th of March, Mr. Morris was instructed, through the Secretary of State, to respect the *de facto* government of France, and cultivate the most friendly relations with it.

On the 18th of March, Mr. Jefferson addressed a correspondent whose name is not given,<sup>1</sup> a letter containing views which should be graven on the memory of every young man in the Republic, who is inclined to turn his thoughts towards official life:

DEAR SIR:

I received your kind favor of the 26th ult., and thank you for its contents as sincerely as if I could engage in what they propose. When I first entered on the stage of public life (now twenty-four years ago), I came to a resolution neve-

<sup>1</sup> See Works, Congress edition, vol. iii. p. 527.

to engage while in public office in any kind of enterprise for the improvement of my fortune, nor to wear any other character than that of a farmer. I have never departed from it in a single instance; and I have in multiplied instances found myself happy in being able to decide and to act as a public servant, clear of all interest, in the multifarious questions that have arisen, wherein I have seen others embarrassed and biased by having got themselves into a more interested situation. Thus I have thought myself richer in contentment than I should have been with any increase of fortune. Certainly I should have been much wealthier had I remained in that private condition which renders it lawful and even laudable to use proper efforts to better it. However, my public career is now closing, and I will go through on the principle on which I have hitherto acted. But I feel myself under obligations to repeat my thanks for this mark of your attention and friendship.

If Mr. Jefferson would have consented to adopt a different rule, the saddest page in his personal history would not be for us to write!

The French Republic had early in 1793 commissioned Monsieur, or, according to the new nomenclature of the French democracy, Citizen Genet, as its Minister to the United States, in the place of M. de Ternant, recalled. He was a man who had sprung from the upper walks of French society—was considerably versed in public and diplomatic affairs—possessed no mean abilities or address—was frank, brisk, unguarded, and agreeable in his manners—spoke English fluently—was an enthusiastic politician—and was as combustible in his temper as was then considered befitting the fiery republic he represented. This had not, like its American precursor, been the result of slowly operating moral and ethnic causes. The one had been created by what, to borrow a term from geological science, is termed subsidence—a gradual deposit and a gradual recession of old surroundings—prepared, on its emergence, for the reception of vegetation and to become the abode of animated nature. The other had been suddenly cast up from abysmal deeps by volcanic agencies—was a crater of hot scoria yet hissing in the surrounding waters, on which the alarmed mariner gazed in doubt whether each new explosion would increase its bulk and widen its base, or send it toppling back to the bottom of the ocean.

Genet was, of course, a decided democrat, and his whole programme of foreign policy might be said to be embraced in the famous decree of the French Convention of November 19th, 1792:

"The National Convention declare, in the name of the French nation, that they will grant fraternity and assistance to every people who wish to recover their liberty; and they charge the Executive power to send the necessary orders to the generals to give assistance to such people, and to defend those citizens who may have been or who may be vexed for the cause of liberty."

We have noticed the admission of the most conservative writer of that day, that on the declaration of war between England and republican France, the feeling in the United States in favor of the latter suddenly rose and swept down all partisan opposition, embracing nearly the entire body of the American people.<sup>1</sup> When, then, an emissary should come from the new republic, surrounded with its prestige—proclaiming such wildly stirring doctrines as those above given—declaring the unbounded affection of his country for the United States—scorning the arts of old diplomacy and mixing freely with the democratic masses—not declining to talk of the important objects of his mission in promiscuous assemblies of plain workingmen—exhibiting in his deportment that practical democracy, that fraternity, which men in his position, of English blood, never exhibit—is it wonderful that American popular sympathy swelled to a pitch of wild enthusiasm?

Genet landed at Charleston on the 8th of April, and was received by Governor Moultrie and the citizens with marks of unbounded respect, which did not abate in fervor during his stay of several days. Admiring crowds followed his steps; civic and social demonstrations in his honor followed each other in rapid succession; and both himself and his mission were the themes of rapturous admiration. He here commissioned two privateers to cruise against British vessels, and assumed to grant powers to the Consuls of France in the United States to try and condemn prizes. He then proceeded slowly by land to Philadelphia, and sent the French frigate *l'Embuscade*, which had brought him from France, to the same place. On her way she captured the British ship *Grange*, and carried the prize into Philadelphia. Mr. Jefferson wrote to Mr. Madison, April 28th :

"Cases are now arising which will embarrass us a little till the line of neutrality be fairly understood by ourselves and the belligerent parties. A French privateer is now bringing here, as we are told, prizes, which left this but two or three days before. Shall we permit her to sell them? The treaty does not say we shall, and

<sup>1</sup> See quotation from Marshall, ante p. 121—note.

it says we shall not permit the like to England. Shall we permit France to fit out privateers here? The treaty does not stipulate that we shall, though it says we shall not permit England to do it. I fear that fair neutrality will prove a disagreeable pill to our friends, though necessary to keep us out of the calamities of war."<sup>1</sup>

He had written the American Minister in England a week earlier :

"You may, on every occasion, give assurances which cannot go beyond the real desires of this country, to preserve a fair neutrality in the present war, on condition that the rights of neutral nations are respected in us, as they have been settled in modern times, either by the express declarations of the powers of Europe, or their adoption of them on particular occasions."

The popular feeling expressed in Philadelphia on the arrival of the *Embascade* and her prize—as well as the feelings of one or two members of the Cabinet on the same occasion—are thus mentioned in a letter from Jefferson to Monroe (May 5th) :

"The war between France and England seems to be producing an effect not contemplated. All the old spirit of 1776, rekindling the newspapers from Boston to Charleston, proves this; and even the monocrat papers are obliged to publish the most furious philippics against England. A French frigate took a British prize off the capes of Delaware the other day, and sent her up here. Upon her coming into sight, thousands and thousands of the yeomanry of the city crowded and covered the wharfs. Never before was such a crowd seen there; and when the British colors were seen reversed, and the French flying above them, they burst into peals of exultation. I wish we may be able to repress the spirit of the people within the limits of a fair neutrality. In the meantime, H.<sup>2</sup> is panic-struck, if we refuse our breech to every kick which Great Britain may choose to give it. He is for proclaiming at once the most abject principles, such as would invite and merit habitual insults; and indeed every inch of ground must be fought in our councils to desperation, in order to hold up the face of even a sneaking neutrality, for our votes are generally two and a half against one and a half. Some propositions have come from him which would astonish Mr. Pitt himself with their boldness. If we preserve even a sneaking neutrality we shall be indebted for it to the President, and not to his counsellors."

The last remark, that "if we preserve even a sneaking neutrality, we shall be indebted for it to the President," perfectly solves the preceding one, that the votes in the Cabinet "are generally two and a half against one and a half." It meant that Hamilton and Knox voted uniformly against Jef-

<sup>1</sup> This is a part of a longer quotation not given in either of the editions of Jefferson's Works, but which we find in Tucker's Jefferson, vol. i. p. 422. Mr. Madison probably furnished it to Professor Tucker.

<sup>2</sup> Hamilton is undoubtedly here meant.

person, that Randolph was divided half-and-half between them, and that therefore it took the President's vote (or voice) with his own to preserve "even a sneaking neutrality." A week afterwards, Jefferson was still more severe on the Attorney-General. He wrote, in a letter to Madison, that "everything hung upon the opinion of a single person, and that the most indecisive one he had ever had to do business with." In other words, if Randolph gave his *whole* vote either way, it turned the scale, the President and Jefferson being on one side, and Hamilton and Knox on the other.

The Secretary of State had occasion to address official communications to the American Ministers in England and France, and to the ministers of those powers at our Government, before the "peals of exultation" from the Philadelphia "yeomanry," at witnessing the dishonor of the flag of England, had yet died away in his ears; and while the popular enthusiasm for France continued bursting out in every conceivable form of demonstration. One is curious to know how far the Secretary evinced, by some flushed sentences or words, in these communications or in their original drafts, that he had been reached by this contagious excitement. The search for such a sentence or word is made in vain.

He did not, however, cease to feel, or express in private, the mortified opinion that we were, on several points, proffering concessions to England, which she had not even condescended to ask, and which ought not to be made except in exchange for some decent concessions on her side. In the letter to Monroe, already quoted, he said :

"Great Britain has as yet not condescended to notice us in any way. No wish expressed of our<sup>1</sup> neutrality, no answer of any kind to a single complaint for the daily violations committed on our sailors and ships. Indeed, we promise beforehand so fast that she has not time to ask anything."

On the 4th of May, the Secretary of the Treasury forwarded to the President the draft of a circular, prepared, it would seem, entirely at his own instance,<sup>2</sup> to be addressed by *himself* to the United States Collectors, directing them to report to *him* all infractions of the neutrality laws, or movements apparently

<sup>1</sup> The word "our" is printed "her" in the Congress edition. The letter is not given in Randolph's edition. But the mistake is obvious, and we have therefore corrected it in the text.

<sup>2</sup> See Hamilton to Washington, May 4, 1793. Hamilton's Works, vol. iv. p. 392.

pointing towards such infractions—particularly the building of vessels pierced for guns. The President was informed, that if the circular was “not disapproved” by him “it would be forwarded.” General Washington did disapprove of it. He wrote Hamilton on the 5th that he wished to speak with him before it was sent out. He again wrote to him on the 7th:

“As I perceive there has been some misconception respecting the building of vessels in our ports which may be converted into armed ones, and as I understand from the Attorney-General there is to be a meeting to-day or to-morrow of the gentlemen on another occasion, I wish to have that part of your circular letter which respects this matter reconsidered by them before it goes out.

“I am not disposed to adopt any measures which may check ship-building in this country; nor am I satisfied that we should too promptly adopt measures, in the first instance, that are not indispensably necessary. To take *fair and supportable* ground, I conceive to be our best policy, and all that can be required of by the powers at war; leaving the rest to be managed according to circumstances and the advantages which may be derived from them.”

The result is thus given in a letter from Jefferson to Madison (May 13th), which is too racy to admit of any paring:

“I wrote you on the 5th, covering an open letter to Colonel Monroe; since that I have received yours of April 29. We are going on here in the same spirit still. The Anglophobia has seized violently on three members of our council. This sits almost every day on questions of neutrality. H. produced the other day the draft of a letter from himself to the collectors of the customs, giving them in charge to watch over all proceedings in their districts, contrary to the laws of neutrality or tending to impair our peace with the belligerent powers, and particularly to observe if vessels pierced for guns should be built, and to inform *him* of it. This was objected to, 1st. As setting up a system of espionage, destructive of the peace of society. 2d. Transferring to the Treasury department the conservation of the laws of neutrality and peace with foreign nations. 3d. It was rather proposed to intimate to the judges that the laws respecting neutrality being now come into activity, they should charge grand juries with the observance of them; these being constitutional and public informers, and the persons accused knowing of what they should do, and having an opportunity of justifying themselves. E. R. found out a hair to split, which, as always happens, became the decision. H. is to write to the collectors of the customs, who are to convey their information to the attorney of the district, to whom E. R. is to write, to receive their information and proceed by indictment. The clause respecting the building vessels pierced for guns is to be omitted; for, although three against one thought it would be a breach of neutrality, yet they thought we might defer giving a public opinion on it as yet. Everything, my dear sir, hangs upon the opinion of a single person, and that the most indecisive one I ever had to do business with. He always contrives to agree in principle with one, but in conclusion with the other. Anglophobia, secret anti-gallomania, a *fédéralisme outré*, and a present ease in his circumstances not usual, have decided the com-

\* *Italics by the writer.* This letter is published in Hamilton's Works, vol. iv. p. 38a



plexion of our dispositions, and our proceedings towards the conspirators against human liberty, and the asserters of it, which is unjustifiable in principle, in interest, and in respect to the wishes of our constituents. A manly neutrality, claiming the liberal rights ascribed to that condition by the very persons at war, was the part we should have taken, and would, I believe, have given satisfaction to our allies. If anything prevents its being a mere English neutrality, *it will be that the penchant of the President is not that way*, and above all, the ardent spirit of our constituents."

And he adds:

"The line is now drawn so clearly as to show on one side, 1. The fashionable circles of Philadelphia, New York, Boston, and Charleston (natural aristocrats). 2. Merchants trading on British capital. 3. Paper men (all the old Tories are found in some one of the three descriptions). On the other side are, 1. Merchants trading on their own capital. 2. Irish merchants. 3. Tradesmen, mechanics, farmers, and every other possible description of our citizens. Genet is not yet arrived, though hourly expected."

This, with Jefferson's preceding letters and the letter of May 7th from the President to Hamilton, gives, in a sufficiently clear light, the posture of the Cabinet.

When the interests of England began to be closely touched by the capture of her shipping on the American shores, her Minister found time to bestow some attention on the long neglected subject of the relations between the two countries—at least, so far as to assume the attitude of a complainant. Ascertaining the temper of a majority of the Cabinet, he was not slow in adopting the tone of a grievously wronged party, entitled by natural right, by treaty, and by every other consideration, to be put on an equal footing, in all particulars, with France, in the ports and waters of the United States. And his scolding complaints rose in tone as he found they were tolerated and treated with respect.

Were the United States at liberty, conformably with the faith of treaties, to consider themselves purely a neutral power? Did France, by taking and pressing a contrary view, exhibit—as was loudly claimed by one of our parties—those impudent, arrogant, and utterly unfounded pretensions which showed that she was intent on reducing us to that vassalage to herself which she had assisted us to break in respect to England? Our treaties with her afford the only decisive answer to this question. We find them rarely quoted. Those instruments—hailed throughout our country, when made, by acclamations and tears of joy, and

devout thanksgivings to Heaven for inclining the hearts of princes to our almost desperate cause—contained the following clauses :

“ Art. 5.—If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the Islands of Bermudas, those countries or islands in case of success, shall be confederated with, or dependant upon the said United States.

“ Art. 6.—The Most Christian King renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the King and crown of Great Britain.

“ Art. 7.—If his Most Christian Majesty shall think proper to attack any of the islands situated in the Gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the crown of France.

“ Art. 11.—The two parties guarantee mutually from the present time, and forever against all other powers, to wit: The United States to his most Christian Majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace: and his most Christian Majesty guarantees on his part to the United States, their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests, that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the 5th and 6th articles above written, the whole as their possessions shall be fixed and assured to the said States, at the moment of the cessation of their present war with England.

“ Art. 12.—In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article, shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war, between the United States and England, shall have ascertained their possessions.

“ Art. 17.—It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions; which the commanders of such ships of war shall be obliged to show: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties; but if such shall come in, being forced by stress of weather or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

" Art. 22.—It shall not be lawful for any foreign privateers, not belonging to the subjects of the most Christian King, nor citizens of the said United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions."<sup>1</sup>

We have no disposition to comment particularly on these stipulations, but it is only fair to present the French view of them. The Count de Vergennes was understood to have explained to his own Government the remarkable agreement on the part of France contained in the sixth article, by the supposed counterbalancing ones on the part of the United States contained in the seventeenth and twenty-second. France foreclosed herself from obtaining any foothold in British America—from sharing in any continental conquests from the common foe—from recovering a foot of her own ancient possessions. She thus, to say nothing of any other sacrifice of interest or feeling, undeniably placed herself at an immense disadvantage in a West India war with England, while the latter retained its continental North American possessions. Does any one doubt that France could have reserved the right to reconquer some portion of her former Canadian possessions, and still found our country glad to sign the Treaties of 1778 on such terms? But De Vergennes, finding the deep-rooted prejudices and jealousies which existed in the minds of our people on this point, concluded it would be better to secure our cordial confidence and adhesion by yielding it, and receiving in lieu such privileges in war in United States ports as would practically secure to France advantages equivalent to those which would accrue from continental possessions of her own. He appears to have supposed he obtained these by the seventeenth and twenty-second articles of the Treaty of Amity and Commerce.

It was said, by the anti-French party, that our direct and explicit guaranty of the West India possessions of France (a stipulation in itself not very conformable to pure neutrality) was a sufficient reward for then endangering them in our behalf, and a fair remunerating proportion of the direct material

<sup>1</sup> The five articles first quoted are from the Treaty of Alliance, the two last from the Treaty of Amity and Commerce, both of which were signed Feb. 6, 1778.

benefits of the war, when added to the resulting ones of weakening her great European rival by dismembering its empire.

The French, on the other hand, claimed that the guaranty of our "liberty, sovereignty, and independence," and of our *entire possessions*, coming from a nation more than four times as numerous as our own, was of itself a full offset to our West India guaranty. And so far as resulting benefits were concerned, they claimed that we derived quite as many advantages as France did, from our being rendered independent of England!

We will not follow, in their order, the numerous complaints, protests, etc., of Mr. Hammond. Their contents will be inferred sufficiently from the replies to them which it may be necessary to notice. On the 15th of May, the Secretary of State disposed of a batch of these papers. He declared that the condemnation of a British vessel as a legal prize by the French Consul at Charleston, was not warranted by the usage of nations, by the treaty stipulations between the United States and France, or the law of the land, and "was consequently a mere nullity"—that the capture of the British vessel (the *Grange*) having taken place within the jurisdiction of the United States, the Government was taking measures for the liberation of the crew, and the restitution of the ship and cargo—that he (the Secretary) "was authorized to give assurances to all the parties without reserve" that the United States condemned, in the highest degree, the conduct of their citizens who should personally engage in committing hostilities at sea against any of the parties to the present war, and would exert all legal powers to discover and "bring them to condign punishment"—that the practice of "commissioning, equipping, and manning vessels in our ports to cruise on any of the belligerent parties," was "equally and entirely disapproved," and that the Government would "take effectual measures" to prevent it. On the subject of making and vending arms, the Secretary declared it was an occupation in which all American citizens were free to engage, and that a suppression of this traffic, "because a war existed in foreign and distant countries in which we had no concern," could not be expected, and that it "would be hard in principle, and impossible in practice." The advantages of such purchases were equally open to all nations, and the penalty must be left

to that of confiscation, should the arms fall into the hands of either belligerent when on the way to an enemy's port. The demand of the British Minister for the restitution, by the United States, of the prizes captured by the French privateers fitted out at Charleston, but not within waters under the jurisdiction of the American Government, was reserved for further consideration. The following is the concluding paragraph of the answer :

" I trust, sir, that in the readiness with which the United States have attended to the redress of such wrongs as are committed by their citizens, or within their jurisdiction, you will see proofs of their justice and impartiality to all parties ; and that it will insure to their citizens pursuing their lawful business by sea or by land, in all parts of the world, a like efficacious interposition of governing powers to protect them from injury, and redress it, where it has taken place With such dispositions on both sides, vigilantly and faithfully carried into effect, we may hope that the blessings of peace on the one part, will be as little impaired, and the evils of war on the other, as little aggravated, as the nature of things will permit ; and that this should be so, is, we trust, the prayer of all." <sup>1</sup>

The French Minister, De Ternant (not yet superseded by Genet) was officially notified the same day of these declarations.

There does not, so far as we discover, appear to be evidence of a division in the Cabinet on the principles settled by those declarations.

A letter of May 3d, from Hamilton to Jefferson, shows that the latter had complained of the Secretary of the Treasury's transcending his official province in receiving and *answering* applications from M. de Ternant, in regard to certain fiscal arrangements. Hamilton explains the circumstances under which he had supposed it proper thus to communicate directly with the French Minister, and declared "it would give him pain" that Jefferson "should consider what had been done as the infringement of a rule of official propriety. He assured him this was not his intention."<sup>2</sup> This unimportant fact in itself considered is introduced to show, what we do not remember elsewhere to have seen (no hint of it being given, we believe, in Jefferson's writings), that those constant encroachments of Hamilton on Jefferson's official province, of which the latter complained to the President, went sometimes from substance to

<sup>1</sup> Jefferson's Works, Congress edition, vol. iii. p. 567.

<sup>2</sup> Hamilton's Works, vol. iv. p. 391

even official forms; and that, in one instance at least, they drew Jefferson's direct rebuke on the offender. Beyond this we observe no conflicts of any kind in the Cabinet, from the disposal of the Treaty question to that we are about to record.

On the subject of the reserved question—of the restitution, by the United States, of prizes taken on the high seas by the French privateers fitted out in an American port (Charleston) and manned in some part by American citizens—the President took the opinion of the three Cabinet officers in writing, who were accustomed to give written opinions. That of the Secretary of the Treasury was delivered first, (May 15th) and took ground, unconditionally, in favor of complying with the claim of the English Minister in this particular.<sup>1</sup> The Secretary of State delivered his opinion the next day. He assumed that the act complained of was to be considered—1st, as an offence against the United States; 2d, as an injury to Great Britain. He proceeded:

“In the first view it is not now to be taken up. The opinion being, that it has been an act of disrespect to the jurisdiction of the United States, of which proper notice is to be taken at a proper time.

“Under the second point of view it appears to me wrong on the part of the United States (where not constrained by treaties) to permit one party in the present war to do what cannot be permitted to the other. We cannot permit the enemies of France to fit out privateers in our ports, by the 22d article of our treaty. We ought not, therefore, to permit France to do it; the treaty leaving us free to refuse, and the refusal being necessary to preserve a fair neutrality. Yet considering that the present is the first case which has arisen; that it has been in the first moment of the war, in one of the most distant ports of the United States, and before measures could be taken by the Government to meet all the cases which may flow from the infant state of our Government, and novelty of our position, it ought to be placed by Great Britain among the accidents of loss to which a nation is exposed in a state of war, and by no means as a premeditated wrong on the part of the Government. In the last light it cannot be taken, because the act from which it results placed the United States with the offended, and not the offending party. Her minister has seen himself that there could have been on our part neither permission nor connivance. A very moderate apology then from the United States ought to satisfy Great Britain.”

He thought an ample apology had already been made in the pointed disapprobation of the transaction expressed by the Government, and in the promise to take effectual measures against a repetition. He said the French commission to the

<sup>1</sup> For the opinion, see Hamilton's Works, vol. iv. p. 391.

commander of the privateer was good or not good. If not good, the legal tribunals of our country would take cognizance of the affair, and make restitution of the capture. If there was a "regular remedy at law, it would be irregular for the Government to interpose." If the commission was good, as the capture occurred on the high seas, the British owner had lost all his right, and the prize would be pronounced good, even in his own courts. The legal right having been transferred absolutely to the captor, it would be purely an act of force—a reprisal for the offence committed against the American Government—to take it from him. Remonstrance and refusal of satisfaction ought to precede so serious a measure as national reprisal—and if ripe for that step, Congress must be called to take it, for in it, and not in the Executive, was the right of reprisal vested by the Constitution.<sup>1</sup>

We have given Mr. Jefferson's line of argument pretty fully, because it shows that his opinions were somewhat peculiar, and as far from the French as from the English extreme. It appears here unequivocally that he did not give the construction to the twenty-second article of the treaty which France, and not without some strong show of reason, placed on it, and which was sustained by the warmest sympathizers with that power in the United States.

Knox concurred with Hamilton; and Randolph arrived at the same conclusion with Jefferson, by the same train of argument. Randolph's paper was drawn up with marked ability, and a spirit gleamed through it which showed what he was capable of when he let his better understanding display itself. In the parallel passage to that where Jefferson's answer to his own first proposition is given, Randolph's manner of treating the topic is, in our judgment, decidedly preferable. He, with as much spirit as dignity, said :

"What relates to the dignity of the United States is not an affair of any foreign nation. If they thought proper to waive satisfaction to themselves for the affront and injury, they cannot be called to an account by any foreign power; and if they do require satisfaction, its degree and kind depend upon their discretion."

The Cabinet being equally divided, the President did not make an immediate decision, but he soon after decided in con-

<sup>1</sup> The paper entire will be found in Jefferson's Works, Congress edition, vol. vii. p. 626.

formity with the opinions of Jefferson and Randolph, and the British Minister was so notified in a communication from the Secretary of State, dated 5th of June.<sup>1</sup>

Pending this affair (May 16th) Genet arrived in Philadelphia. He had met, in the towns between there and Charleston, the same enthusiastic reception as at his landing. While one party desired that his approach to the seat of Government should be as little noticed as possible, the other was determined to give it all the *éclat* in its power. Arrangements were made for meeting him at Gray's Ferry, by a vast crowd of citizens, and escorting him into town; but according to a contemporaneous letter from Jefferson to Madison (May 19th), he "escaped that by arriving in town with the letters which brought information that he was on the road." Jefferson added :

"The merchants, *i. e.* Fitzsimmons & Co., were to present an address to *the P.* on the neutrality proclaimed. It contained much wisdom, but no affection. You will see it in the papers inclosed. The citizens are determined to address *Genet*. Rittenhouse, Hutcheson, Dallas, Sargeant, etc., were at the head of it. Though a select body of only thirty was appointed to present it, yet a vast concourse of people attended him. I have not seen it; but it is understood to be the counter address."

On the French Minister's presentation to General Washington, the latter received him, says Judge Marshall, "with frankness, and with expressions of a sincere and cordial regard for his nation."<sup>2</sup> In the conversation which ensued, says the same writer, the French Minister gave the most explicit assurances that, "in consequence of the distance of the United States from the theatre of action, and of other circumstances, France did not wish to engage them in the war, but would willingly leave them to pursue their happiness and prosperity in peace."

Jefferson, in the letter already quoted from, gives the scene more *in extenso* :

"He [Ternant] delivered yesterday his letters of recall, and Mr. Genet presented his of credence. It is impossible for anything to be more affectionate, more

<sup>1</sup> Hildreth, in his *History of the United States* (2d ser. vol. I. p. 418), appears to state this fact the other way. It is a favorite hypothesis, among a class of writers, that Jefferson constituted a sort of "opposition" in the Cabinet, and was usually or most frequently in the minority when important questions were decided in that body. This view will be found wholly unsupported by the facts, and it is explicitly contradicted in a letter by General Washington.

Hamilton himself afterwards yielded to the force of Jefferson's positions on the subject of restoring the prizes. (See his *Works*, vol. v. p. 569.)

<sup>2</sup> Marshall's *Life of Washington*, vol. II. p. 561.



magnanimous than the purport of his mission. We know that under present circumstances we have a right to call upon you for the guaranty of our islands. But we do not desire it. We wish you to do nothing but what is for your own good, and we will do all in our power to promote it. Cherish your own peace and prosperity. You have expressed a willingness to enter into a more liberal treaty of commerce with us; I bring full powers (and he produced them) to form such a treaty, and a preliminary decree of the National Convention to lay open our country and its colonies to you for every purpose of utility, without your participating [in] the burdens of maintaining and defending them. We see in you the only person on earth who can love us sincerely, and merit to be so loved. In short, he offers everything, and asks nothing. Yet I know the offers will be opposed, and suspect they will not be accepted. In short, my dear sir, it is impossible for you to conceive what is passing in our conclave; and it is evident that one or two, at least, under pretence of avoiding war on the one side, have no great antipathy to run foul of it on the other, and to make a part in the confederacy of princes against human liberty."

The magnanimous waiver of the American guaranty of the French West India possessions—the gallant declaration of the French Republic, that it would wage the terrible conflict before it alone, and (borrowing even the cold language of Judge Marshall) leave the United States "to pursue their happiness and prosperity in peace"—struck a chord of national feeling which still further inflamed the prevailing enthusiasm in favor of France. Contrasting its course with that of England, granting nothing, yielding nothing, holding on to a part of our territory as if to a conquest, but at the same time captiously claiming all and more than was conceded to France, it is not wonderful that some Federalists of mark were swept along by the prevailing torrent of enthusiasm. "We, too, have our disorganizers," wrote Hamilton in a letter evincing his extreme disgust at the popular attentions received by Genet.

We must here interrupt the narration of the unfortunate progress of our relations with France, to bring those with another European power down to the same point, in order to obtain the benefit of that light which they reciprocally throw on each other.

For a period prior to the dethronement of the French Bourbons, an intimate family pact had subsisted between them and the Spanish Bourbons. This had in a good measure controlled the foreign policies of both powers. It had exercised a very strong influence on the relations between Spain and the United States. A variety of causes rendered these unfriendly, but

France stood between, friendly to each nation, to prevent a rupture. The affiliation between France and Spain was that of monarchs—between France and the United States, that of peoples. The execution of Louis XVI. snapped the former. Nay, it produced on the part of the Spanish Government hostility and a thirst for vengeance. To the intensity of Spanish legitimacy, was superadded revenge for the execution of a kinsman of its monarch. It had therefore entered eagerly into the great European anti-French alliance. Its position towards the United States was also essentially changed, or rather its inducements to suppress its hostility were now removed. The present was a favorable period for it to force matters to an extremity. It was a favorable time to attack the United States, when they could not obtain efficient aid from France, held in check by the European coalition; or when any aid they might thus receive would be more than counterbalanced by the hostility it would draw upon their heads from the coalition. Spain counted, in any event, on the coöperation of England, for their animosities and interests were now the same. Spain desired to clip our southern boundary, England our northern.

Following up these views, the Spanish Government intrigued with little concealment with the Indians on our southern borders. She supplied them with arms; entered into direct stipulations with the Creeks, Choctaws, Chickasaws, and Cherokees, to protect their interests; agreed to mediate between them and the United States concerning their boundaries; guaranteed to them the boundaries they claimed; and agreed, in case of war, to support them with her whole power. Rendered presumptuous by such encouragement, the Creeks began to commit murders and depredations on the inhabitants of Georgia, and their aggressions soon assumed almost the form and extent of open war. Lastly, Spain, as if with the purpose of provoking an offensive demonstration from the United States, avowed her treaties with the Indians, "hazarding to us intimations of acquiescence to avoid disagreeable results," and even had the insolence to "propose to extend their intermeddling to the northern Indians!" The records of diplomacy will scarcely furnish a specimen of as low and gross impudence as that which

<sup>1</sup> Jefferson to Carmichael and Short, May 31st.

characterizes throughout a communication (dated June 18th) from the Spanish Commissioners, Jaudennes and Viar, to the American Secretary of State.<sup>1</sup> And every communication from the American Commissioners in Spain, contained assurances of a constant indication of the most hostile spirit on the part of that Government, and of a maturing close offensive and defensive alliance between it and Great Britain. This (the Convention of Aranguez) was concluded on the 25th of May.<sup>2</sup>

The last step was not known to our Government when it determined on a decisive line of action ; but the preceding indications were quite sufficient to put it on its guard.

On the 31st of May, the Secretary of State forwarded instructions to the American Commissioners at the Court of Spain, to remonstrate firmly but temperately against the conduct of that power, and signify that such a state of things could not be permitted to continue. But a final line of policy, it would appear, had not been settled in our Cabinet, for the Secretary, after calling attention to the fact of Spain "making part of so powerful a confederacy as was formed in Europe, and under particular good understanding with England, our other neighbor,"<sup>3</sup> left to the discretion of the Commissioners "the moment, the measure, and the form" of communicating their message—allowing them to "soften," or, if they judged necessary, "suppress" any of its expressions. He stated that "our situation on other accounts and in other quarters was critical."

At a Cabinet meeting on the 29th of May, it was unanimously agreed to advise the Governor of Georgia to avoid offensive expeditions into the Indian country ; but, at the same time, that it was expedient that the President increase the federal military force in that State, and employ it in repelling inroads. In case of a serious Indian invasion, the provisions of the Constitution, for such an event, were to be put into execution. General Pickens was invited to the seat of Government for information and consultation, and an agent dispatched to the Creeks to conciliate them, and procure the surrender of the murderers of American citizens. The propriety of attempting to engage the Choctaws in an anti-Creek league with the Chickasaws, already

<sup>1</sup> American State Papers, vol. i. p. 264.

<sup>2</sup> *Ib.* vol. i. p. 277.

<sup>3</sup> That is, our neighbor on our northern as Spain was on our southern boundary.

at war with the latter, was (June 1st) discussed; but, we believe, without arriving at an affirmative conclusion.

On receiving the Spanish Commissioners' communication of June 15th, the character of which we have described, the American Government met the apparent emergency with becoming energy. We find no traces of a Cabinet consultation on this important subject,<sup>1</sup> and are disposed to believe, therefore, that the instructions issued were, as in many analogous cases, drawn by the Secretary of State and submitted to the President, who adopted them without consulting the other officers of his Cabinet. The discussion of the 29th of May probably gave the President all the information he required of the views of its members concerning our foreign policy; and having come to a fixed conclusion which he knew would be exceedingly distasteful to that portion of his Cabinet who were for avoiding a collision with England<sup>2</sup> at all events, he sought (we conjecture) to escape a useless, and what would be likely to prove a heated discussion.

The Secretary of State's communication to the American Commissioners at the Court of Spain, bore date June 30th, and if not so long, or evincing so much research as some of Mr. Jefferson's dispatches (there being no need for research) it is, in some points of view, one of the finest State-papers from his pen. We must content ourselves with two or three extracts. After describing the attempts of the United States to induce the Indian tribes to remain neutral in the war of the Revolution—the utter disregard of the latter of these solicitations, and their savage inflictions on our people—their “murdering and scalping men, women and children indiscriminately, burning their houses and desolating the country,” he proceeded to say:

“Peace being at length concluded with England, we had it also to conclude with them. They had made war on us without the least provocation, or pretence of injury. They had added greatly to the cost of that war. They had insulted our feelings by their savage cruelties. They were by our arms completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real

<sup>1</sup> In the Works of Jefferson or Hamilton.

<sup>2</sup> It was now regarded as certain that England would join Spain if hostilities were opened between the latter and the United States.

moderation. Their limits with us under the former Government were generally ill-defined, questionable, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors by introducing among them some of the most useful arts, it was necessary to begin by a precise definition of boundary. Accordingly, at the treaties held with them, our mutual boundaries were settled; and notwithstanding our just right to concessions adequate to the circumstances of the case, we required such only as were inconsiderable; and for even these, in order that we might place them in a state of perfect conciliation, we paid them a valuable consideration, and granted them annuities in money which have been regularly paid, and were equal to the prices for which they have usually sold their lands."

He described the recent aggressions of the Indians, and added:

"Really desirous of living in peace with them, we have redoubled our efforts to produce the same disposition in them. We have borne with their aggressions, forbidden all returns of hostility against them, tied up the hands of our people, inasmuch that few instances of retaliation have occurred even from our suffering citizens; we have multiplied our gratifications to them, fed them, when starving, from the produce of our own fields and labor. No longer ago than the last winter, when they had no other resource against famine, and must have perished in great numbers, we carried into their country and distributed among them, gratuitously, ten thousand bushels of corn; and that too, at the same time, when their young men were daily committing murders on helpless women and children on our frontiers. And though these depredations now involve more considerable parts of the nation, we are still demanding punishment of the guilty individuals, and shall be contented with it."

After meeting one by one the complaints of Spain, and showing how entirely unfounded they were, he concluded in this noble strain:

"We love and we value peace; we know its blessings from experience. We abhor the follies of war, and are not untried in its distresses and calamities. Unmeddling with the affairs of other nations, we had hoped that our distance and our dispositions would have left us free, in the example and indulgence of peace with all the world. We had, with sincere and particular dispositions, courted and cultivated the friendship of Spain. We have made to it great sacrifices of time and interest, and were disposed to believe she would see her interests also in a perfect coalition and good understanding with us. Cherishing still the same sentiments, we have chosen, in the present instance, to ascribe the intimations in this letter<sup>1</sup> to the particular character of the writers, displayed in the peculiarity of the

<sup>1</sup> The letter of Messrs. Viar and Jaudennea, the Spanish Commissioners to the United States, already mentioned, communicating the treaties between Spain and the Indians, and the intentions of their Government.

style of their communications, and therefore, we have removed the cause from them to their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up. We shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it; we respect that of others, without fearing it. If we cannot otherwise prevail on the Greeks to discontinue their depredations, we will attack them in force. If Spain chooses to consider our defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier, to the last moment, to repair with her to the tribunal of peace and reason.

"The President charges you to communicate the contents of this letter to the Court of Madrid, with all the temperance and delicacy which the dignity and character of that Court render proper; but with all the firmness and self-respect which befit a nation conscious of its rectitude, and settled in its purpose."

This dispatch was at once forwarded to Madrid by a courier. It was considered a "last effort for the preservation of honorable peace,"<sup>1</sup> but the chance of peace was looked upon as "absolutely desperate."<sup>2</sup> Spain had recently sent reinforcements to New Orleans and strengthened her posts higher on the Mississippi. Everything boded a speedy war. But amidst all surrounding embarrassments, the President's mind retained its firm and manly tone. As plainly as the Secretary of State, he saw the monstrous folly and dishonor of attempting to conciliate a coalition of inveterate foes, who could only be propitiated by base sacrifices, and this simply to avoid the necessity of throwing our weight into the same scale with our only European friend.

France had executed its monarch, whom a party in America pronounced "an unfortunate Prince, whose reign was a continued demonstration of the goodness and benevolence of his heart, of his attachment to the people of whom he was the monarch," "brought precipitately and ignominiously to the block without any substantial proof of guilt as yet disclosed." France had established a Republic, and massacres like those of 2d and 3d of September had heralded its advent. Marat and Robespierre held conspicuous places in its Convention. Atheistical doctrines had been advanced in the Convention and "heard with loud applauses." The declaration of 15th December placed France in an aggressive attitude towards kingly governments.

<sup>1</sup> Jefferson to Madison, June 29th.

<sup>2</sup> Jefferson to Monroe, July 14th.

She had "prostrated and ravished the monuments of religious worship; passion, tumult and violence had usurped those seats, where reason and cool deliberation ought to preside." Such were the assertions of the leading Federalists,<sup>1</sup> and they *were true*, if the habitual vacillation, and constant violation of engagements, by a weak Prince, under the domination of bad advisers, was not, in the ruler of a people, "guilt" for which he could be held properly responsible.

But, were the United States exonerated, by these temporary excesses, from all ties of gratitude and kindly feeling to the French *nation*? Was the Government of that country founded on more gigantic crimes than those of the despotisms against which it was struggling? Had not even the constitutional Government of England been cemented by violations of social and moral order—and her religious establishment erected out of the "prostrated and ravished monuments" of that Church on which French atheism had recently laid its impious hands? Had any great change in European political or religious institutions—and particularly any advance in political liberalism—been accomplished without convulsion and bloody violence? And was Republicanism alone to be held responsible for the disorders of its transition from a preceding state? Were sister republics to join in loving pact with old blood-stained Absolutism, with the very hate which the aid of France to America had begotten, with purely selfish national antipathies and rivalries, to hunt the intruder from the pale of nations? Had any of her aggressiveness been directed against us? Was it anything better than an insincere pretence to hold her very form of government responsible for an aggressive spirit, when monarchy in every form, and of every hue, was leagued for her destruction?

General Washington did not, as we have declared, subscribe to the doctrines or the feelings of the Federal leaders in these particulars. Lips, unpractised to deceive, had just declared to Genet, "his sincere and cordial regard for his nation."<sup>2</sup> All his

<sup>1</sup> See Hamilton to ———, Works, vol. v. p. 564.

<sup>2</sup> If it is pretended this was merely *pro forma*, take the following purely gratuitous declaration contained in a letter written by Gen. Washington (May 24th) to the Provisional Executive Council of France in behalf of a now private citizen (M. de Ternant) and not on any public business:

"I assure you, with a sincere participation of the great and constant friendship which these United States bear to the French nation, of the interest they feel in whatever con-

preceding action had comported with that declaration. And the Spanish instructions of June 30th, present us with what must be regarded as the final disposal of substantially a test question, showing that he was now as fixed in his resolve as on the 31st of October, 1792, against an Anglo-Spanish alliance,<sup>1</sup> and, on the other hand, that he was firmly bent on a line of action which was thought, at the time, most likely to draw us into a war with Spain, and consequently England, in which event we should necessarily act with France; and against common enemies. The last was not the object which dictated the policy of either the President or Secretary of State. It was but incidental to a policy requisite to protect the rights and dignity of our nation. But, even in that light, it was far enough from that monomaniacal hostility to the French Republic, which rather than honorably coöperate with it, welcomed insult or degrading alliance from any other quarter.

An unequivocal proof of the perfect understanding and confidence which subsisted between the President and Secretary of State, in regard to our foreign relations, has chanced to become a matter of record. The following is from Sparks's Correspondence of Washington, vol. x. p. 348.

TO THOMAS JEFFERSON, SECRETARY OF STATE.

PHILADELPHIA, 1 June, 1793.

SIR,

To call upon Mr. Hammond, without further delay, for the result of the reference to his court concerning the surrender of the western posts, or to await the decision of the trial at Richmond on the subject of British debts before it be done, is a question on which my mind has balanced some time.

If your own judgment is not decidedly in favor of one or the other, it is my desire, as the heads of the departments are now together, that you will take their opinions thereupon and act accordingly.

I am, etc.

The heads of departments *then together* (a Cabinet meeting was held June 1st) discussed the propriety of sending a mes-

cerns their happiness and prosperity, and of their wishes for a perpetual *fraternity* with them; and I pray God to have them and you very great and good friends and allies, in his holy keeping."

This letter was not sent; but this fact has no bearing on the sincerity of its declarations. (See Sparks's Washington, vol. x. p. 347.)

<sup>1</sup> See ante, p. 92.



senger to the Choctaws, etc., as already seen, but the propriety of calling upon Mr. Hammond is in no wise even alluded to in such records as we possess of their proceedings.<sup>1</sup> This shows that the Secretary of State's judgment was "decidedly in favor of one or the other course," and that he did not take the opinions the Cabinet.

Having dispatched some very important intervening business, Jefferson addressed the following note to the British Minister:

PHILADELPHIA, June 19, 1793.

SIR,

I had the honor to address you a letter on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations. The subject was extensive and important, and therefore rendered a certain degree of delay in the reply to be expected. But it has now become such as naturally to generate disquietude. The interest we have in the western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part. Permit me, therefore, to ask when I may expect the honor of a reply to my letter, and to assure you of the sentiments of respect with which I have the honor to be, sir, your most obedient, and most humble servant.

The call on England at a moment of so much irritation, and when she was loudly complaining at our recent conduct, for her final answer in regard to surrendering our western (so called, but which now would be termed northern) posts, hitherto forcibly detained by her, and doing this the next day after receiving the insolent manifesto of the Spanish Commissioners, and just eleven days before forwarding our decisive ultimatum to Spain, presents unmistakable evidence that President Washington, at this period, was resolved to brave the Anglo-Spanish Coalition, unless concessions were made to us which not a man in America expected would be made.

We are not without another and significant hint of the President's motives, in the following letter:

TO THOMAS JEFFERSON, SECRETARY OF STATE.

PHILADELPHIA, 20 June, 1793.

SIR,

I leave it to you and the heads of the other two departments, to say what or whether any answer should be given to the British Minister's letter of the 19th. It

<sup>1</sup> Q. v. Hamilton's Works. vol. iv. p. 409.

would seem as if neither he nor the Spanish Commissioners were to be satisfied with anything this Government can do ; but, on the contrary, are resolved to drive matters to extremity.

Yours, etc.

The point here left to the three heads of departments will be hereafter mentioned. It had nothing to do with the official communications to Mr. Hammond, or to the Spanish Government, which have been the subjects of the preceding remarks : but none the less distinctly does it corroborate the view we have presented of the President's feelings and determinations.

## CHAPTER IV.

1793.

**Correspondence with Genet—Concessions of France—Genet's Complaints and Jefferson's Replies—Genet assumes an Angry and Criminatory Tone—His Proposal to stop Payments on the St. Domingo Drafts—Discussions in relation to the Treaty of 1778, etc.—The President goes to Mount Vernon—Genet Arms and Commissions the Little Democrat at Philadelphia—Mifflin reports her about to sail—Sends Dallas to Genet—Jefferson visits Genet, and Particulars of their Interview—Genet intimates the Vessel will not sail before the President's Return—Cabinet Meeting, July 8th—President's Return expected in two or three Days—Hamilton and Knox propose to fire upon the Vessel if she attempts to pass Mud Island—Jefferson dissents—Extracts from the two Papers—Was Jefferson's scorching Reply merited—Difficulties of his Position—His Private Opinion of Genet—Little Democrat drops down to Chester—President reached Philadelphia on the 11th—His warm Note to Jefferson, and Jefferson's Answer—Cabinet Meeting on the 12th—Jefferson's previous Action sustained—Judge Marshall's Manner of stating the Facts—Jefferson's Decided Letter to Spanish Commissioners—No Retreat in the President's Policy—Jefferson tenders his Resignation, to take effect 1st of September—Cabinet Discussions on demanding Recall of Genet—On an Appeal to the People—On Rules of Neutrality—On convening Congress—Particulars of a Personal Interview between Washington and Jefferson—Washington solicits a Delay of his Resignation—Jefferson's Feelings on the Occasion—Jefferson's Consent, and the President's Reply—Jefferson's Draft of Letter demanding Genet's Recall—Washington and Jefferson voted down on a Clause—A Private Draft of Hamilton's not brought forward—Character of Jefferson's Production—A Feature in the Ana—Genet's Visit to New York—The Certificate-makers—Genet's Appeal to the Public—A Hint of the degree of Control Jefferson exercised over Freneau's Paper—Yellow Fever appears in Philadelphia—Outrage of Du Plaine—British Orders in Council—French Retaliatory Decrees—Georgia preparing to chastise the Creeks—Cabinet Action on the four preceding Subjects—Jefferson's Excuse for Subscribing to the Resolution respecting England—His Dispatches in regard to Du Plaine, and to Gov. Telfair—Progress of the Yellow Fever—Jefferson's Draft of Instructions to Morris—England satisfied with Conduct of our Government in regard to Neutrality Laws—Persists, however, in her Aggressions—Hamilton ill with Yellow Fever—Jefferson sends Genet Copy of Demand for his Recall—Arranges his Business, and carries his Daughter Home—Family Correspondence brought down—President deliberates on convening Congress elsewhere—He consults the Cabinet and Mr. Madison—Pendleton's Letter to Washington against Hamilton and his Measures—President's noticeable Reply—Genet's Reply to Jefferson on receiving a Copy of the Demand for his own Recall—Judge Marshall's Selections from this Reply—Jefferson does not answer Genet—Letter to Ceracchi—Visit of the latter to United States, and Statues and Busts executed by him—Cabinet Discussion on sending Genet out of the Country—On the Construction to be given to Congress of the so-called Proclamation of Neutrality—Hamilton's and Randolph's Drafts of Explanation rejected—Jefferson's**

Views substantially concurred in—Hears of President's Speech discussed—Randolph's Draft—Jefferson drafts Messages in regard to France and England—Discussion as to what shall be Publicly and what Privately transmitted to Congress—Jefferson's Views prevail at all points—The only place where Jefferson speaks of Drafting Papers for the President—Reasons why we cannot know how far he made such Drafts—The Dishonor of preserving them as Proofs of Authorship—Opening of Congress—Ascendency of the Republicans—Jefferson's Report on Privileges and Restrictions on our Foreign Commerce—The great Effect of this Paper—His last Letter to Genet—Washington again solicits him to defer his Resignation—Jefferson sends his Resignation—President's Reply—Jefferson's Return Home—His Public Standing when he retired—Webster's and Marshall's Testimony—Grounds of his Popularity—The Theory that he chose this time to retire, on account of his Popularity—His Records—Family Correspondence brought down.

On the 22d of May, the French Minister addressed the Secretary of State,<sup>1</sup> asking that the United States Government anticipate the payment of the installments of its French debt, not yet due; and offering, in that case, to employ the money, and so much more as he could procure on his personal drafts payable at the French treasury, in purchasing provisions, naval stores, &c., in the United States.

On the 23d, he transmitted a decree of his Government, opening all its ports in Europe and America to the produce of the United States, and granting the citizens and vessels of the latter the same rights and favors with its own, throughout the French possessions.

On the 27th, he replied to the letter addressed to his predecessor by the Secretary of State, May 15th, announcing the decisions of the American Executive on the complaints made by the British Minister. Genet denied the facts set forth in some of those complaints, and he made the usual claim that the Treaty of 1778 authorized French and American armed vessels to put into each other's ports with prizes, without being subjected to interference, or to the adjudications of the civil courts on the validity of their prizes; and that this privilege was interdicted to the enemies of each power, while at war. He declared that the privateers armed at Charleston belonged to French houses, and were commanded and armed by French citizens, or by Americans who not only acted in violation of no law, but under the implied sanction of the Governor of South Carolina. He had, however, he said, immediately ordered the restitution of the English vessel (the *Grange*) which was captured within the jurisdiction of the United States.

<sup>1</sup> For their entire correspondence, see American State Papers, vol. I.

On the 1st of June, Genet complained that two officers had been arrested on board a French privateer,<sup>1</sup> as American citizens, and he called upon the intervention of the Executive to obtain their immediate release.

The Secretary of State replied, the same day, that the arrested officers were in the custody of the civil magistrates "over whose proceedings the Executive had no control"—that they would be tried by a jury of their countrymen, "in the presence of judges of learning and integrity"—and if they had not violated the laws of the land, that the "case would issue accordingly."<sup>2</sup>

On the 5th the Secretary of State replied to Genet's letter of 27th of May, and also to some intermediate verbal communications. He stated that the President had, at the request of the Minister, reexamined his positions in respect to the neutrality laws, and adhered to the opinions already announced. He repeated the intimation that the French vessels illegally equipped and commissioned at Charleston must leave the ports of the United States.

Genet responded with warmth (on the 8th), that as long as the States assembled in Congress should not have determined that their "solemn engagement should not be performed," no one had a right thus to interfere; and he not obscurely hinted that the "people of America" viewed the subject in a very different light from their Executive.

On the 11th, the Secretary notified the French Minister that his request for the prepayment of the French debt was declined, from the inability of the Government to raise the necessary sums without too seriously hazarding the state of its credit. Hamilton had officially advised the President to deny the application without giving any reasons.<sup>3</sup> Jefferson had urged that such a course "would have a very dry and unpleasant aspect," and his proposal to couch a refusal (which the entire Cabinet then present considered necessary under the circumstances)<sup>4</sup> in a respectful form, received the approbation of the President.

<sup>1</sup> These were the persons ordered arrested by the Government, as stated in the letter to Mr. Hammond of May 15th.

<sup>2</sup> The "case issued" some months afterwards in the acquittal of the prisoners.

<sup>3</sup> For both Hamilton's and Jefferson's letters on the subject, see Hamilton's Works, vol. iv. pp. 414-421. Hamilton's proposal to refuse without reasons, was made June 5th, before the Government had received an offensive word from Genet.

<sup>4</sup> Jefferson, however, thought that "if the installments falling due in this year [1793];

Genet took no pains to conceal how much his feelings were hurt by this refusal. In a letter of the 14th, he spoke of the deficiency in the produce of France, its immense armaments, and the prospect that both it and its colonies "would be consigned to the horrors of famine, if the United States should not furnish them, on account of their debt, a part of the subsistence which they wanted." He said that "without entering into the financial reasons which operated this refusal, without endeavoring to prove that it tended to accomplish the infernal system of the King of England, and of other kings his accomplices to destroy by famine the French republicans and liberty, he attended, on the present occasion, only to the calls of his country, and as its necessities and those of the colonies became daily more pressing—as it had charged him to provide for them at whatever price it might be"—he desired the Secretary of State to inform the President that he was authorized to give assignments of the French debt against the United States in payment for provisions, and that he requested that the amount of the debt be adjusted at the Treasury for that purpose. He concluded by saying, that "the expedient to which he was about to have recourse would probably be onerous to the French nation; but as the federal Government thought it might take on itself to place us [the French Minister or nation] under the necessity of employing it, without consulting Congress upon so important a matter, he was obliged to follow his instructions."

He the same day (14th), in another letter, complained to the Government that in contempt of the treaties which united the French and Americans, "that in contempt of the law of nations," civil and judiciary officers of the United States had taken it upon themselves at Philadelphia to stop the sale of prizes taken by an armed French galliot, and at New York had opposed the sailing of a French vessel commissioned by the Government of France. He said that he had given proofs of his respect for the American Government by ordering the restitution of the Grange, and "he should in all his conduct show an equal deference;" but "at the same time he should expect" from it "all the support which he at present stood in need of, to defend in the

could be advanced without incurring more dangers, he should be for doing it." "He thought it very material to keep alive the friendly sentiments of that country [France] as far as could be done without risking war or double payments." (Jefferson to Washington, June 6th.)

bosom of the United States, the interests, the rights and the dignity of the French nation, which persons, on whom time would do" it "justice, were laboring secretly to misrepresent."

On the 17th, the Secretary of State answered the French Minister's letter of the 8th, and so much of that of the 14th as pertained to the stopping of a French armed vessel at New York. He stated that the latter vessel (the *Polly*, rechristened the *Republican*) was fitted out, armed and manned in the port of New York, for the express purpose of cruising against nations with whom the United States were at peace; and that being on the point of departure, she was seized by the Governor of the State, on the orders previously dispatched by the Government to all the States of the Union to prevent violations of our neutrality. The transaction being reported to the President, orders had been immediately sent to deliver the vessel and crew to "the tribunals of the country, that if the act was of those forbidden by the law, it might be punished; if it was not forbidden [that] it might be so declared, and all persons apprised of what they might or might not do." In answer to the assertion that France was authorized by treaties to fit out armed vessels in American ports, he said :

"None of the engagements in our treaties stipulate this permission. The 17th article of that of commerce permits the armed vessels of either party to enter the ports of the other, and to depart with their prizes freely: but the entry of an armed vessel into a port is one act; the equipping a vessel in that port, arming her, manning her, is a different one, and not engaged by any article of the treaty. You think, sir, that this opinion is also contrary to the law of nature and usage of nations. We are of opinion it is dictated by that law and usage; and this had been very maturely inquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is."

After quoting from Vattel to sustain his position, the Secretary added :

"The testimony of these and other writers on the law and usage of nations, with your own just reflections on them, will satisfy you that the United States, in prohibiting all the belligerent Powers from equipping, arming, and manning vessels of war in their ports, have exercised a right and a duty, with justice and with great moderation. By our treaties with several of the belligerent Powers, which are a part of the laws of our land, we have established a style of peace with them. But without appealing to treaties, we are at peace with them all by the law of nature; for, by nature's law, man is at peace with man, till some aggression is committed, which, by the same law, authorizes one to destroy another as his enemy. For our

citizens, then, to commit murders and depredations on the members of nations at peace with us. or to combine to do it, appeared to the Executive, and to those whom they consulted, as much against the laws of the land, as to murder or rob, or combine to murder or rob, its own citizens; and as much to require punishment, if done within their limits, where they have a territorial jurisdiction, or on the high seas, where they have a personal jurisdiction, that is to say, one which reaches their own citizens only; this being an appropriate part of each nation, on an element where all have a common jurisdiction. So say our laws, as we understand them ourselves. To them the appeal is made; and whether we have construed them well or ill, the constitutional judges will decide. Till that decision shall be obtained, the Government of the United States must pursue what they think right, with firmness, as is their duty."

On the 18th, the French Minister communicated to the Secretary of State that he should be under the necessity of stopping the payment of drafts drawn by the administration of St. Domingo, in favor of citizens of the United States who had furnished provisions, etc., on the supposition that four millions of the debt of the latter to France had been specially appropriated for the payment of such drafts, by terms of the arrangement between M. de Ternant and their Government.<sup>1</sup> Genet stated the bills would be certainly ultimately paid, but that no official decree having been issued by his Government for such an application of its funds by himself, and being disappointed in obtaining another prepayment, he felt constrained "to obey only the empire of circumstances," and apply the moneys intended for the payment of the colonial drafts to the purchase of provisions for France and her colonies. He said he had determined to issue a notice in the papers to calm the fears of the holders of the drafts which he was compelled to temporarily set aside, and to encourage the citizens of the United States "to carry succor to their brothers, the French republicans of the Antilles, whose fate depended on this generous act; without which the French colonies would be reduced by famine, to put themselves under a government [England] whose commercial principles would not assuredly be so advantageous to the United States." He inclosed a copy of his proposed notice.

On the 22d he replied to the Secretary's communication of the 17th. His anger overboiled. He said:

"Discussions are short, when matters are taken upon their true principles. Let us explain ourselves as republicans. Let us not lower ourselves to the level of

<sup>1</sup> At the time the United States consented to the prepayment of some installments of the French loan, at the solicitation of De Ternant, as already recorded.



ancient politics by diplomatic subtleties. Let us be as frank in our overtures, in our declarations, as our two nations are in their affections; and by this plain and sincere conduct arrive at the object by the shortest way. All the reasonings, sir, contained in the letter you did me the honor to write me the 17th of this month, are extremely ingenious; but I do not hesitate to tell you, that they rest on a basis which I cannot admit. You oppose to my complaints, to my just reclamations, upon the footing of right, the private or public opinions of the President of the United States; and this ~~is~~ is not appearing to you sufficient, you bring forward aphorisms of Vattel, to justify or excuse infractions committed on positive treaties. Sir, this conduct is not like ours.

\* \* \* \* \*

"It is not thus that the American people wish we should be treated. I cannot suppose, and I wish to believe, that the measures of this nature were not conceived in the heart of General Washington—of that celebrated hero of liberty. I can attribute them only to extraneous impressions over which time and truth will triumph."

He reiterated that the 22d Article of the Treaty of Commerce between France and America did expressly authorize the former to arm in the ports of the latter, and interdict that privilege to every other nation; and he continued:

"If you cannot protect our commerce, and our colonies, which will, in future, contribute much more to your prosperity than to our own, at least do not arrest the civism of our own citizens; do not expose them to a certain loss, by obliging them to go out of your ports unarmed. Do not punish the brave individuals of your nation, who arrange themselves under our banner, knowing perfectly well that no law of the United States gives to the Government the sad power of arresting their zeal by acts of rigor. The Americans are free; they are not attached to the yoke like the slaves of Russia; they may change their situation when they please, and by accepting, at this moment, the succor of their arms in the habit of trampling on tyrants, we do not commit the plagiat of which you speak. The true robbery, the true crime, would be to enchain the courage of these good citizens, of these sincere friends of the best of causes."

To the French Minister's annunciation of the 18th, in regard to the payment of the colonial drafts, the Secretary of State replied in a very brief note, on the 23d, that he was instructed to say that the United States Government could not recognize the propriety of the proposed step; and that if it was taken, the Government of the United States had itself so far countenanced contrary expectations, that it should hold *itself* under obligation to satisfy the remaining claims of its citizens.

The Secretary informed the French Minister by another letter, the same day, that an English privateer, fitted out in Georgia, had been seized by the State authorities, and delivered to the legal tribunals.

The Minister (June 25th) returned his thanks, and complained that "many enemy's vessels" had been armed, had entered armed, remained in and gone out armed, of the ports of Charleston, Baltimore, Philadelphia, and New York, contrary to treaty stipulations with France; and he forwarded specifications and testimony of these facts.

The President left Philadelphia for Mount Vernon on the 23d of June, on account of the death of his manager.

Mr. Jefferson wrote to Colonel Monroe on the 28th:

"I do not augur well of the mode of conduct of the new French Minister; I fear he will enlarge the evils of those disaffected to his country. I am doing everything in my power to moderate the impetuosity of his movements, and to destroy the dangerous opinions which have been excited in him, that the people of the United States will disavow the acts of their Government, and that he has an appeal from the Executive to Congress, and from both to the people."

Some other correspondence took place between the Secretary of State and the French Minister, but none requiring our notice prior to the serious occurrences which are now to be recorded.

The French frigate *Embuscade* had captured a British armed vessel called the *Little Sarah*, of four guns, and carried her into Philadelphia. Genet ordered her repaired; added to her armament ten guns from other French vessels in the port; and gave her a commission under the name of the *Little Democrat*. The Secretary of the Treasury being apprised of her preparations, communicated them to his colleagues, who were present.<sup>1</sup> The Cabinet concurred in opinion that the Governor of Pennsylvania should be desired to examine the situation of the vessel, to ascertain if the information received was true. Governor Mifflin made the necessary investigations, and reported, July 6th, that in place of her four original guns she now had fourteen on board. The next day (Sunday) the Governor informed the Secretary of State, by an express, that he understood the vessel would sail that day. Mr. Jefferson (who then resided out of the city) repaired immediately to town, where he was informed by Governor Mifflin that he had received his intelligence the night before, and had sent Mr. Dallas<sup>2</sup> at midnight to the French Minister. Dallas informed

<sup>1</sup> Mr. Randolph, the Attorney-General, was absent in Virginia.

<sup>2</sup> Secretary of State of Pennsylvania.

the Secretary that on his proposing to Genet the subject of detaining the vessel, the latter "flew into a great passion, talked extravagantly, and concluded by refusing to order the vessel to stay."<sup>1</sup>

The Governor had also sent for the Secretary of War, who had not yet arrived; and Mr. Jefferson, in the meantime, went to Genet to speak to him on the subject. After stating to the French Minister the information the Cabinet had received, he requested him to detain the vessel until Wednesday, when the President would arrive, and the matter could be laid before him.

Genet "took up the subject instantly in a very high tone," and for a time proceeded with such volubility, that Jefferson found all efforts "to take some part in the conversation were quite ineffectual." The latter thus subsequently reported the substance of the conversation to the President:

"He charged us with having violated the treaties between the two nations, and so went into the cases which had before been subjects of discussion; complained that we suffered our flag to be insulted and disregarded by the English; that they stopped all our vessels, and took out of them whatever they suspected to be French property; that they had taken all the provisions he had embarked in American vessels for the Colonies; that if we were not able to protect their vessels in our ports, nor their property on the high seas, we ought to permit them to protect it themselves; that they, on the contrary, paid the highest respect to our flag; that, though it was notorious that most of the cargoes sent from America were British property, yet, being in American vessels, or pretended American vessels, they never touched it, and thus had no chance of retaliating on their enemies; that he had been thwarted and opposed in everything he had to do with the Government; that he found himself in so disagreeable a situation, that he sometimes thought of packing up and going away, as he found he could not be useful to his nation in anything."

After expatiating on the friendly propositions he had brought from his nation, and affirming that such a return to them ought not to have been made by the Executive without consulting Congress, he declared that on the President's return he would certainly press him to convene Congress. Having got into a more moderate tone, Jefferson now stopped him at the mention of Congress, explained to him the functions of the several departments of the Government, and that all the questions which had arisen between him and it, belonged to the

<sup>1</sup> This and the report of the subsequent interview between Jefferson and Genet will be found in the *Minutes of the former* in Sparks's *Washington*, vol. x. p. 536.

Executive department, and if Congress had been sitting, could not have been carried to them, nor would they have taken notice of them. Jefferson's further report of the conversation solicits a smile :

"He [Genet] asked if they [Congress] were not the Sovereign. I told him no, they were sovereign in making laws only; the Executive was sovereign in executing them; and the judiciary in construing them where they related to their department. 'But,' said he, 'at least Congress are bound to see that the treaties are observed.' I told him no; there were very few cases indeed arising out of treaties, which they could take notice of; that the President is to see that treaties are observed. 'If he decides against the treaty, to whom is a nation to appeal?' I told him the Constitution had made the President the last appeal. He made me a bow, and said that indeed he would not make me his compliments on such a constitution, expressed the utmost astonishment at it, and seemed never before to have had such an idea."

The last flourish was the prelude to the Minister's characteristic relapse into hearty good humor after a gust of passion, "in which state he might with the greatest freedom be spoken with." It was now Jefferson's turn to become the assailant; and he complained of the other's "impropriety of conduct" in disobeying the Government where it had an undoubted right to control. "But," said Genet, "I have a right to expound the treaty on our side." Jefferson replied, that he had a right to bring forward and press his exposition; and that after a contrary one was decided on by the highest authority in the nation, he still had a right to dissent and refer the question to his own Government; but, in the meantime, he was bound "to do nothing within our limits contrary to it." Genet was silent at this, and appeared "sensible that it was right." The Secretary then brought him to the subject of the *Little Democrat*, and pressed him to detain her until the President's return. "Why detain her?" said Genet. "Because," answered Jefferson, "she is reported to be armed with guns acquired here." The former declared the guns were all French property, that he could name every vessel from which they were taken, and that he could not pretend to control men in the disposal of their own property. Jefferson still urged him to detain the vessel. "He was embarrassed and unwilling"—said, "he should not be justified in detaining her." Jefferson told him "it would be considered a very serious offence if she should go away—that the Govern

ment was determined on that point, and, thinking it right, would go through with it."

The latter thus records the conclusion of the conversation :

"After some hesitation he said he could not make any promise, it would be out of his duty, but that he was very happy in being able to inform me, that the vessel was not in readiness, and therefore could not sail that day. I asked him if I might rely that she would not be ready to sail before the return of the President. He then spoke of her unreadiness indefinitely as to time, said she had many things to do yet, and would not be ready for some time, he did not know when. And whenever I tried to fix it to the President's return, he gave the same answer, that she would not be ready for some time, but with the look and gesture, which showed he meant I should understand she would not be gone before that time. 'But,' said he, 'she is to change her position and fall down the river to-day; but she will not depart yet.' 'What,' said I, 'will she fall down to the lower end of the town?' 'I do not know exactly where,' said he, 'but somewhere there for the convenience of getting ready some things; but let me beseech you not to permit any attempt to put men on board of her. She is filled with high-spirited patriots, and they will unquestionably resist; and there is no occasion, for I tell you she will not be ready to depart for some time.' I told him then I would take it for granted she would not be ready before the President's return, that in the meantime we would have inquiries made into the facts, and would thank him for information on the subject, and that I would take care that the case should be laid before the President the day after his return. He promised to give me a state of facts the next day."<sup>1</sup>

Mr. Jefferson returned and reported the particulars of this interview to Governor Mifflin, and that "he was satisfied that, though the vessel was to fall somewhere down the river, she would not sail." The Governor thereupon ordered the dismissal of a body of militia which he had assembled.

On Mr. Jefferson's comparing, with Governor Mifflin and Secretary Dallas, what Genet had said to himself and to Dallas, it was found to agree in some particulars and not in others. He had declared to the latter "that he would appeal from the President to the people." But Jefferson said :

"He did in some part of his declamation to me, drop the idea of publishing a narrative or statement of transactions; but he did not on that nor ever did on any other occasion, in my presence, use disrespectful expressions of the President. He, from a very early period, showed that he believed there existed here an English party, and ascribed to their misinformations, industry, and manœuvres, some of the decisions of the Executive. He is not reserved on this subject. He complains of the partiality of the information of those employed by Government, who never let a single movement of a French vessel pass unnoticed, nor ever inform him of an English one arming, or not till it is too late to stop her."

<sup>1</sup> Genet's statement of facts, dated July 9th, will be found in the *American State Papers*, vol. i. p. 163.

The Governor of Pennsylvania declared, "he had good ground to believe," that at least two of the cannon on board the *Little Democrat* were purchased in Philadelphia; and he asked advice "what steps, under the circumstances, he should pursue." The three members of the Cabinet then in the city, convened and discussed this topic on Monday, July 8th. As the French Minister had refused to give explicit assurances that the vessel "would continue until the arrival of the President and his decision in the case," Hamilton and Knox were of opinion that "immediate measures should be taken for establishing a battery on Mud Island, under cover of a party of militia, and if the vessel attempted to depart, before the pleasure of the President should be known, that "military coercion be employed to arrest and prevent her progress." In other words, she was to be fired into and, if necessary, sunk! The Secretary of State wholly dissented from this opinion, and it was not acted upon. The President, in relation to some of the questions already raised with Genet, had written the Secretary of State from Mount Vernon (June 30th) that if the members of the Cabinet at the capital should be "*unanimous* in their opinions as to the measures which ought to be pursued by the Government," they were to act; but in case of "a difference of sentiment," their opinions were to be forwarded to him for consideration.<sup>1</sup> This wise and provident restriction of course virtually extended to the action of the Cabinet on still more important questions subsequently arising between the same parties; and consequently two of its members could not with propriety or safety direct Governor Mifflin to resort to the military coercion proposed.

The opinions on both sides, drawn up on the spur of the occasion, betrayed strong feeling. That of Hamilton and Knox lacked little, in the heatedness of its language, of the character of a popular political harangue. It declared, for example, that there was "a regular plan," by the "agents of France," to "force the United States into the war;" that "there was satisfactory evidence of a regular system in the pursuit of that object, to endeavor to control the Government itself by creating, if possible, a schism between it and the people, and enlisting

<sup>1</sup> Sparks's Washington, vol. x. p. 354.

them on the side of France in opposition to their own constitutional authorities;" that this was deducible "from direct written and verbal declarations of the French Minister;" that "the memorial lately presented by him to the Secretary of State, the most offensive paper, perhaps, that was ever offered by a foreign minister to a friendly power with which he resided, announced unequivocally the system which was alleged to exist;" that "it would be a fatal blindness not to perceive the spirit which inspired such language, and ill-omened passiveness not to resolve to withstand it with energy," etc., etc. The paper closed thus significantly :

"To adopt as a rule of conduct that if we are to be involved in the war, it must be at any rate against the powers who are opposed to France—and that we ought rather to give them cause for attacking us, by suffering ourselves to be made an instrument of the hostilities of France, than to risk a quarrel with her by a vigorous opposition to her encroachments, would be a policy as unjust and profligate as it would be likely to prove pernicious and disgraceful."<sup>1</sup>

This document will strike the reader with more astonishment when he learns that it was distinctly conceded in a letter (dated June 30th) from the Secretary of State to the French Minister, that *several* British vessels had procured arms within American ports, and escaped to sea without detention !<sup>2</sup>

Jefferson's opinion was also couched in decided language. He was against erecting the proposed battery, because satisfied that the *Little Democrat* would not sail before the return of the President; because a movement so obviously intended to menace "might cause a departure not now intended, and produce the fact it was meant to prevent;" because it was morally certain that if the vessel was fired on, resistance would follow, and that blood being once spilt, the door of peace would be shut—at a moment, too, when twenty French ships of war, with a fleet of from one hundred to one hundred and fifty private vessels, were hourly expected in the port; because the actual commencement of hostilities against a nation was too serious a matter to our countrymen to be brought about by "subordinate officers not chosen by them nor clothed<sup>3</sup> with their confidence"—and "too presumptuous on the part of those officers, when the

<sup>1</sup> For the paper entire, see Hamilton's Works, vol. iv. p. 443.

<sup>2</sup> See American State Papers, vol. i. p. 159.

<sup>3</sup> The meaning, of course, is "officially clothed," taken in the light of the context.

Chief Magistrate, into whose hands the citizens had committed their safety, was within eight-and-forty hours of his arrival there ;” because, should the vessel depart, the matter would admit of a fair explanation to Great Britain, as it would be contrary to what we had a right to expect ; because Great Britain would have little reason to complain should, by such means, “two cannon” be added to the equipments of its enemies, while its “own vessels had carried off more than ten times that number without any impediment ;”<sup>1</sup> because, if the Little Democrat had fifteen or twenty Americans on board of her who had gone there by their own consent, it was equally true that more than ten times that number of Americans were at that moment on board English ships of war, “who had been taken forcibly from our merchant vessels at sea or in port, wherever met with, and compelled to bear arms against the friends of their country ;” because “it was inconsistent for a nation which had been patiently bearing for ten years the grossest insults and injuries from their late enemies, to rise at a feather against their friends and benefactors”—against “the acts of a particular individual, not yet important enough to have been carried to his Government as causes of complaint,” and which his Government, judging from the past, “would correct at a word :” because he [the Secretary of State] “would not gratify the combination of kings with the spectacle of the two only Republics on earth destroying each other for *two cannon* ;” because he would not, “for infinitely greater cause, add this country to that combination, turn the scale of contest, and let it be from our hands that the hopes of men received their last stab.”

This scorching exposure was due to the character of a proposition, which, if an explosion of rage, was unbecoming men charged with so high official responsibilities ; or if we should adopt a still more discreditable hypothesis, to men seeking a pretence, in the absence of the President, to render further amicable relations between the French and American republics out of the question, if not to embroil them in immediate hostilities

<sup>1</sup> This would seem to confirm Genet's assertions that the Government informers were all on one side. Mr. Jefferson nowhere, that we are aware, offers *proof* of the accuracy of this identical statement : nor have we observed, on the other hand, that an assertion so very significant, if true, and made in a *Cabinet paper*, called out any reclamations from the Secretaries of the Treasury and War. It will be remembered, of course, that the *Government informers*—that is to say, the *revenue officers*, were nearly all appointed by the Secretary of the Treasury.



with each other. Whatever the real motives of the Secretaries of the Treasury and War, the frustration of their proposed measure averted consequences which it would be difficult now, at a first view, to estimate. Not the least of these, probably, would have been the utter political overthrow of themselves and their party. Genet's indecorums of conduct and language were yet unknown to the public; and it required greater follies on his part still to wean from him that partiality which he received as the representative of republican France. The opposition to himself and his country by a portion of the Cabinet was well understood. The decisions of that body, which seemed not only to put England on a perfect equality with France, but, practically, in some respects, to give it the advantage,<sup>1</sup> and this at a moment when, to look no further, France had just granted, unasked, through Genet, such signal advantages to America,<sup>2</sup> while England persisted, without a sign of relaxation, in its past aggressions, and in all its harsh and unfriendly commercial regulations—such Cabinet decisions, we say, were the themes of wide-spread criticism, and of not a little disapprobation among many men who were accused of no intemperate partiality for France. Up to this point, the party which sympathized with France—conceded by Federal historians a little earlier to have vastly outnumbered the Federalists—had suffered no diminution in its numbers. More than three quarters, and probably a still larger proportion, of the American people yet ardently adhered to that party. The press gave visible indications of the prevailing dissatisfaction. The National Gazette and the General Advertiser at Philadelphia, the Patriotic Register at New York, the Chronicle at Boston, and nearly all the Republican papers throughout the Union, found more or less fault with the action of the Government. “Democratic Societies” were organized to propagate the views of the Republicans and give concentration to their action. Nor, as it has often been most absurdly assumed, were these views and demonstrations confined to any particular class of society. With some exceptions in South Carolina, almost all the distinguished talent of the Southern

<sup>1</sup> As for example, requiring France, by her treaty, to respect the principle that free vessels made free goods, while, solely at the expense of France, England was suffered to take French property (even the provisions bought of us) from American vessels.

<sup>2</sup> The exemption from the West India guaranty, and the opening all its ports to American commerce on the same terms with its own.

States was on this side.<sup>1</sup> It comprised nearly an equal amount of talent with the Federalists in the eastern States,<sup>2</sup> and more, in the aggregate, in the middle. Let us, as an example, take Pennsylvania, in which was the seat of Government, and which had recently given fourteen of its fifteen electoral votes for Mr. Adams. Governor Mifflin—the signally able Chief-Justice McKean—Muhlenburg, Speaker of the first Congress under the Constitution—Dallas, the Secretary of State, and one of the best educated and most promising youngish men in the United States—the Attorney-General Sergeant—the well known Hutcheson—the philosophic Rittenhouse—Duponceau, who came to America as an aid to Baron Steuben, and who had already entered on that long career of honor and usefulness which awaited him—in a word, nearly all of the most conspicuous men in the State were ardent Republicans. Rittenhouse was the President, and Duponceau the Secretary of the “Democratic Society” of Philadelphia—an organization claimed by the alarmed Federalists to have been set on foot expressly to inau-

<sup>1</sup> General Henry Lee, *acting Governor* of Virginia, so soon afterwards so decided a Federalist, was about this period contemplating accepting a Major-General's commission in the armies of the Republic of France! (See his letter to Washington of April 29th, 1793. Sparks's Washington, vol. x. p. 343.)

<sup>2</sup> The two most prominent men in New England after the Vice-President—namely, John Hancock and Samuel Adams (Governor and Lieut.-Governor of Massachusetts)—were decided Republicans. Governor Hancock died October 8th, of this year, and S. Adams succeeded him. More than *five months* after the events of which we speak, Governor Samuel Adams wrote Governor Clinton of New York, in an unpublished letter, the original of which is lying before us:

“I have a strong attachment to the French Republic, more especially because they have founded their Constitution upon principles similar to our own, and upon which alone, I think, free and lawful governments must be founded, and which all nations that embrace them will naturally be bound by the strongest ties of friendship. *I hope we soon shall see the time, when all the machinations of those who wish to destroy the affection and confidence between the two republics shall be detected and treated with contempt.*” (December 24th, 1793.)

The original of the following is also before us:

*From same to same.*

“BOSTON, April 10, 1794.

“SIR:

“In reviewing the political situation of the United States in their relation to foreign nations, particularly with regard to that with Great Britain, we have reason to apprehend that the continuation of peace cannot long be expected, unless events shall prove more propitious than they promise at present. If I may judge from the reports of the newspapers, the Legislature of your State, at their late session, made some provision for fortifying the harbors of the coast of New York, and having it in intention to have the same matter laid before the General Court of this Commonwealth, which will be in session in a little time. I am desirous of being able to inform them of the nature and extent of the views of your Assembly on that important subject, in hopes that this State may not be behind any other in the Union, in making suitable provision within themselves, for the defence of the sea-coast of this Commonwealth. Your communications on this subject, as soon as convenient, will be very agreeable to

“Your most obedient and

Very humble servant,

“SAMUEL ADAMS.”

gurat, the wildest doctrines of the French Jacobins, and even, if necessary to obtain political supremacy, their bloodiest practices. Many of the most distinguished patriots of the Revolution were enrolled among the active members of this terrible Society.

Thus things stood, when Hamilton and Knox, for "two cannon," and for the insulting deportment and language of an enraged minister, of which no complaint had been made to his Government, proposed, in the absence of the President, to fire on the flag of France, and thus, in all human probability, embroil the two governments; and, unless unlooked for causes should prevent, throw the United States into the scale of that anti-French coalition which had been hitherto nearly as hostile to our country as to France, and to one member of which our Government had, within about a week, sent a message which, under the circumstances, amounted to a defiance.

But fortunately for our domestic peace, and probably more fortunately still for the instigators of the measure (and those who would have been its abettors), the prudence of Washington had rendered it impracticable. Had the population of Philadelphia, deeply excited, and already deeply irritated by action mainly attributed to the same members of the Cabinet, suddenly heard the roar of conflict on the borders of their city—suddenly discovered the flags of the United States and France floating over the hostile armaments—suddenly been told that a French armed vessel had been attacked, in the absence of the President, by the orders of the two Secretaries, for attempting to do what every ordinarily informed man in the United States knew had been done with impunity by English armed vessels (that is, arm in our ports and put to sea)—there are strong reasons for believing there would have been an immediate popular outbreak, and a forcible rescue of the French vessel by overwhelming numbers. And where this species of arbitrament, if once opened, would have stopped, it is impossible to say. Probably nothing but the veneration felt for one man could have arrested it. These are but speculations; but it is certain, that at a period considerably subsequent to this, and after the popular scale had obviously preponderated against Genet, General Washington's correspondence contains numerous statements and allusions, expressing an apprehension that the friends of France might

appeal to force against their own Government! But leaving this question out of view, nothing can probably be more certain than that, had an attack been made on the Little Democrat, by the directions of Hamilton and Knox, a storm of popular indignation would have been roused which nothing could have stemmed, and which would have swept over our entire land, crushing an already prostrated minority, and rendering inevitable the retirement of its representatives in the President's Cabinet. But the scheme failed, and the egregious follies of Genet, and some of his ultra-Republican partisans, were not only to make up lost ground to their adversaries, but to turn the scale of parties, place a weak minority in the ascendant, and actually give to it a several years' longer tenure of power.

Mr. Jefferson's position was most embarrassing. His sympathies were with the Republicans, though as yet he had gone firmly with all the measures of the Government, and his confidential correspondence shows that he had done so heartily, except in regard to the Proclamation, and there his objection went mainly to the form and not to the substance.<sup>1</sup> But his

<sup>1</sup> The following private letter to Monroe, then the Republican leader in the United States Senate, exactly described his position in respect to those measures. We place it in a note not too much to break in upon the continuity of the narrative :

TO COLONEL MONROE.

"PHILADELPHIA, July 14, 1793.

"DEAR SIR :

"Your favor of June 27th has been duly received. You have most perfectly seized the *original* idea of the Proclamation. When first proposed as a declaration of neutrality, it was opposed, first, because the Executive had no power to declare neutrality. Second, as such, a declaration would be premature, and would lose us the benefit for which it might be bartered. It was urged that there was a strong impression in the minds of many, that they were free to join in the hostilities on the side of France, others were unapprised of the danger they would be exposed to in carrying contraband goods, etc. It was therefore agreed that a proclamation should issue, declaring that we were in a state of peace, admonishing the people to do nothing contravening it, and putting them on their guard as to contraband. On this ground, it was accepted or acquiesced in by all, and E. B. who drew it, brought it to me, the draft, to let me see there was no such word as *neutrality* in it. Circumstances forbid other verbal criticisms. The public, however, soon took it up as a declaration of neutrality, and it came to be considered at length as such. The arming privateers in Charleston, with our means entirely, and partly our citizens, was complained of in a memorial from Mr. Hammond. In our consultation, it was agreed we were by treaty *bound* to prohibit the enemies of France from arming in our ports, and were free to prohibit France also, and that by the laws of neutrality we are bound to permit or forbid the same things to both, as far as our treaties would permit. All, therefore, were forbidden to arm within our ports, and the vessels armed before the prohibition were, on the advice of a majority, ordered to leave our ports. With respect to our citizens who had joined in hostilities against a nation with whom we are at peace, the subject was thus viewed. Treaties are law. By the treaty with England, we are in a state of peace with her. He who breaks that peace, if within our jurisdiction, breaks the laws, and is punishable by them. And if he is punishable, he ought to be punished, because no citizen should be free to commit his country to war. Some vessels were taken within our bays. There foreigners as well as natives are liable to punishment. Some were committed in the high seas. There, as the sea is a common jurisdiction to all nations, and divided *by persons*, each having a right to the jurisdiction

position was daily increasing in difficulty. He could not control Genet by his personal advice. He could not sustain his ridiculous pretensions, nor refuse to join in proper steps to rebuke his arrogance. While doing the latter, he was liable to the misconstructions of his own party—of the ultra-friends of France, because they were opposed to neutrality, and consequently to any attempts at a neutral line of conduct between the ministers of France and England—of the moderate Republicans, because Genet's improper communications to the Government were not yet spread before the public. On the other hand, he was liable to misconstructions in the Cabinet, if he shrunk from joining in proper manifestations of indignation at the French Minister's conduct, and the vote there being "two and a half" against two, there was danger that he could not always hinder, nor without suspicion oppose, what, under guise of manifesting that just indignation, was calculated to go further, and put the Government in an aggressive attitude towards France.

over their own citizens only, our citizens only were punishable by us. But they were so, because within our jurisdiction. Had they gone into a *foreign land* and committed a hostility, they would have been clearly out of our jurisdiction, and unpunishable by the existing laws. As the armament in Charleston had taken place before our citizens might have reflected on the case, only two were prosecuted, merely to satisfy the complaint made, and to serve as a warning to others. But others having attempted to arm another vessel in New York after this was known, all the persons concerned in the latter case, foreign as well as native, were directed to be prosecuted. The Attorney-General gave an official opinion that the act was against law, and coincided with all our private opinions, and the lawyers of this State, New York, and Maryland, who were applied to, were unanimously of the same opinion. Lately Mr. Rawle, Attorney of the United States in this district, on a conference with the District Judge Peters, supposed the law more doubtful. New acts, therefore, of the same kind, are left unprosecuted till the question is determined by the proper court, which will be during the present week. If they declare the act no offence against the laws, the Executive will have acquitted itself towards the nation attacked by their citizens, by having submitted them to the sentence of the laws of their country, and towards those laws by an appeal to them in a case which interested the country, and which was at least doubtful. I confess I think myself that the case is punishable, and that, if found otherwise, Congress ought to make it so, or we shall be made parties in every maritime war in which the piratical spirit of the banditti in our ports can engage. I will write you what the judicial determination is. Our prospects with Spain appear to me, from circumstances taking place on this side the Atlantic, absolutely desperate. Measures are taken to know if they are equally so on the other side, and before the close of the year, that question will be closed, and your next meeting must probably prepare for the new order of things. I fear the disgust of France is inevitable. We shall be to blame in part. But the new Minister much more so. His conduct is indefensible by the most furious Jacobin. I only wish our countrymen may distinguish between him and his nation, and if the case should ever be laid before them, may not suffer their affection to the nation to be diminished. H., sensible of the advantage they have got, is urging a full appeal by the Government to the people. Such an explosion would manifestly endanger a dissolution of the friendship between the two nations, and ought therefore to be deprecated by every friend to our liberty: and none but an enemy to it would wish to avail himself of the indiscretions of an individual to compromise two nations esteeming each other ardently. It will prove that the agents of the two people are either great bunglers or great rascals, when they cannot preserve that peace which is the universal wish of both. [The preceding, from the Congress edition, apparently contains several typographical errors.]

He wrote Mr. Madison, July 8th, the day the Cabinet consultation took place on the subject of forcibly detaining the Little Democrat :

"Never, in my opinion, was so calamitous an appointment as that of the present Minister of France here. Hot-headed, all imagination, no judgment, passionate, disrespectful, and even indecent towards the President in his written, as well as his verbal communications, before Congress or the public they will excite indignation. He renders my position immensely difficult. He does me justice personally ; and giving him time to vent himself and become more cool, I am on a footing to advise him freely, and he respects it ; but he will break out again on the very first occasion, so that he is incapable of correcting himself. To complete our misfortune, we have no channel through which we can correct the irritating representations he may make." <sup>1</sup>

The same views will be found expressed to Colonel Monroe soon after, in a letter just quoted.

The Little Democrat, as Genet had intimated to Jefferson she would do, dropped down the Delaware (to Chester), but did not put to sea until after the President's arrival.

General Washington reached Philadelphia on the 11th. The Secretary of State had prepared the papers in the case of the Little Democrat for his inspection, marking on them that they required "instant attention"—and being ill of a fever, retired to his house in the country. The President, on receiving the packet, sent a messenger to the Secretary's office to ask his attendance. What heated or peculiar representations had been made to him, cannot now be known ; but on learning Mr. Jefferson's absence, he dispatched the following note to him at his country residence :

PHILADELPHIA, July 11th, 1793.

SIR :

After I had read the papers, which were put into my hands by you, requiring "instant attention," and before a messenger could reach your office, you had left town.

What is to be done in the case of the Little Sarah<sup>2</sup> now at Chester ? Is the Minister of the French Republic to set the acts of this Government at defiance *with impunity* ?<sup>3</sup> And then threaten the Executive with an appeal to the people ? What must the world think of such conduct, and of the Government of the United States in submitting to it ?

These are serious questions. Circumstances press for decision, and, as you have

<sup>1</sup> Tucker's Jefferson, vol. i. p. 444. Mr. Tucker was, as he informs us, furnished with this extract from the letter by Mr. Madison, or saw it among Mr. Jefferson's papers, he has forgotten which ; but at all events, it was copied from the original.

<sup>2</sup> The Little Democrat.

<sup>3</sup> Italicized as in original.

had time to consider them (upon me they come unexpectedly), I wish to know your opinion upon them, even before to-morrow, for the vessel may be gone.

I am, etc.

This note has been quoted and referred to by a class of writers with great satisfaction, to show that the President was irritated at Jefferson's conduct when he wrote it. There can be no reasonable doubt of this; but whether it was at the Secretary's represented conduct in the affair of the *Little Democrat*, or because he left town without seeing the President, after sending him a packet which required "instant attention," does not appear. Perhaps both causes conspired.<sup>1</sup>

Before the reception of the President's note, Mr. Jefferson had written an apology for his necessary absence. This, and its remarkably unruffled postscript, were as follows:

"Thomas Jefferson presents his respects to the President. He had expected that the Secretaries of the Treasury and War would have given the President immediately the statement of facts in the case of the *Little Sarah* [*Little Democrat*], as drawn by the former and agreed to, as also their reasons; but, Colonel Hamilton having informed Thomas Jefferson that he has not been able to prepare copies, Thomas Jefferson sends the President the copies they have given him, which, being prefixed to his opinion, will make the case complete, as it is proper the President should see both sides of it at once. T. J. has had a fever the two last nights, which has held him until the morning. Something of the same is now coming on him; but nothing but absolute inability will prevent his being in town early to-morrow morning.

"T. J. had written the above before he had the honor of the President's note on the subject of this vessel. He has received assurance from M. Genet to-day, that she will not be gone before the President's decision. T. J. is himself of opinion, that whatever is aboard of her of arms, ammunition, or men, contrary to the rules heretofore laid down by the President, ought to be withdrawn. On this subject he will have the honor of conferring with the President, or any others, whenever he pleases. *July 11.*

The President called a Cabinet meeting at his house, at nine o'clock on the morning of the 12th. It was there unanimously determined that letters be immediately written to the ministers of France and England, informing them that the President had concluded to refer the several questions which had arisen in

<sup>1</sup> The President was never, even when not under the pressure of exciting events, much disposed to waive those marks of personal respect, which he regarded as due to himself and his official position. We have seen that it was a supposed departure from one of these on the part of Hamilton, which led to those expressions from him which caused Hamilton to throw up his place in the staff and (until he received a new appointment) in the army. (See vol. I., p. 596.)

respect to the hostile vessels arming or arriving within our ports, and of prizes, "to persons learned in the laws;" and "as this reference would occasion some delay," that it was expected the vessels in controversy (and among them the *Little Democrat*) would not depart "until his ultimate determination should be made known." Two or three days after this, the *Little Democrat* put to sea in disregard of the President's requirement.

The reference of the legal questions, on which proper action depended, "to persons learned in the laws"—as well as an explicit assertion in a State paper, which was examined paragraph by paragraph by the whole Cabinet, and approved by the President, without any challenge to that assertion—clearly shows that the President, the moment he understood the facts, approved of the course Mr. Jefferson had advised in regard to the *Little Democrat*, and disapproved of the proposed resort to force, at that stage of affairs, to detain the vessel. The State paper referred to, was a dispatch to the American Minister in France, dated August 16th, to ask the recall of Genet. Among other reasons assigned for that request was the following :

"If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the Government. It is well known that if the authority of the laws had been resorted to, to stop the *Little Democrat*, its officers and agents were to have been resisted by the crew of the vessel, consisting partly of American citizens."

It would have been neither manly nor truthful for the American Government positively and unqualifiedly to assert that the avoidance of "shedding each other's blood" was solely due to its own forbearance, when it really meditated a resort to force, and was only prevented from doing so by a hasty and unexpected departure of the vessel. Nor could the Government ingenuously claim merit for its forbearance, if it had merely suspended a determination to resort to coercion.<sup>1</sup>

<sup>1</sup> Professor Tucker, in his *Life of Jefferson*, says:

"This case [that of the *Little Democrat*] is so narrated in Marshall's *Life of Washington* as to leave an impression that Mr. Genet's defiance of the public authorities received Mr. Jefferson's favor, if not cooperation; and the effect is produced partly by omissions, and partly by what can rarely be charged against that work, inaccuracy in the statement of facts."

He adds:

"I am far from saying the injustice was intended. My thorough knowledge of the distinguished author precludes that supposition; but he was known to have strong party feelings, and even his mind was not always able to resist their biases either towards his



While contemplating the preceding events, and remembering the decided dispatches to Spain of June 30th, letters writ-

political friends or opponents. Whoever will carefully examine the original sources of his materials, may see, that while he is, in the main, scrupulously correct as to facts, they are often so stated as to mislead, because he exhibits them in the same partial light in which he himself had viewed them. We have an instance of this on the present occasion."

Among the various statements of Judge Marshall calculated to leave the erroneous impressions mentioned by Professor Tucker, are, for example, the following. After recording with obvious sympathy the measures proposed by Hamilton and Knox, "thus braved and insulted," as he remarks, "in the very heart of the American empire," he adds:

"The Secretary of State dissenting from this opinion, the measure was not adopted. The vessel fell down to Chester before the arrival of the President, and sailed on her cruise *before the power of the Government could be interposed.*" (Vol. i. p. 272.)

After mentioning the return of the President, and quoting the words of that part of his warm note to Mr. Jefferson which pertained to the conduct of Genet, Judge Marshall proceeds to say:

"In answer to this letter, the Secretary stated the assurances which had on that day been given to him by Mr. Genet, that the vessel would not sail before the President's decision respecting her should be made. *In consequence of this information, immediate coercive measures were suspended*; and in council the succeeding day, it was determined to retain in port all privateers which had been equipped by any of the belligerent powers within the United States. This determination was immediately communicated to Mr. Genet; but in contempt of it, the Little Democrat proceeded on her cruise." (Vol. i. p. 272.)

So far from the Little Democrat "sailing on her cruise before the power of the Government could be interposed," she lay *three or four days* at Chester, after the return of the President to Philadelphia, giving ample time for her arrest—and, apparently (if the dispatches to France of August 16th convey a correct impression), almost inviting the President to take the responsibility of ordering that arrest to be attempted.

When Judge Marshall states that "*in consequence*" of the Secretary of State's "information" of July 11th, "immediate coercive measures were suspended," he, of course, states only an inference, for the facts do not sustain the assertion, and indeed prove the contrary. Where is there a word of General Washington, or a circumstance to show that he had made up his mind to resort to force, before receiving Jefferson's note on the evening of July 11th? Was the subject of resorting to force discussed, or, so far as can be ascertained, even mentioned in the Cabinet meeting on the morning of the 12th? If the President had there, or ever on any other occasion, thrown out a word or a hint to show that he meditated a resort to force before receiving Genet's assurance, through Jefferson, should we not have this much-needed indorsement of Hamilton's and Knox's proposition on the 8th, and this *virtual condemnation of Jefferson's course, on that occasion*, very conspicuously recorded? And, finally, what are we to think of the deliberate assertion of General Washington and his Cabinet on the 16th of August, that the *shedding of blood* was purely due to the *forbearance* of our Government, if the President had really contemplated the step which they declare "it was well known" would lead to that shedding of blood, and was only prevented from executing it, by a deceptive promise of Genet, and a secret absconding of the vessel?

But suppose all this entirely otherwise. Suppose General Washington did contemplate force, until his purpose was suspended by Genet's assurance, made through Jefferson on the 11th of July; and suppose (what is not *claimed* in the dispatch, asking Genet's recall) that he *violated* his assurance—that his having the vessel remain several days at Chester, was not a fulfillment of what he *intended* to promise and what the Cabinet *understood* him to promise? If he violated his *veracity*, was the Secretary of State in any wise answerable for it? Did Mr. Jefferson's note to the President on the 11th, contain any assurance on the subject, except simply a mention of what Genet had said to him? If the other members of the Cabinet, or the President, saw fit to credit Genet's assurance, were they not precisely as responsible for their credulity and its consequences, as that member of the Cabinet who first heard and communicated that assurance?

Viewed from any point, the mountain of misconception which has been reared on this subject (for coarser and less scrupulous men have carried Judge Marshall's innuendos into broad assertions), dwindles into nothingness! It had not even a molehill to start upon! Nay, did not Judge Marshall's character entirely forbid the conclusion (for we view that character in the same light, essentially, that Professor Tucker did), one would be inclined to fancy that this attack on Jefferson was a specimen of the adroit Scipionian policy, of carrying the war into Africa, for the purpose of taking it away from the gates of Rome—in other words, for the purpose of reducing Mr. Jefferson and his friends to the defensive, in regard to the memorable occurrences of July 8th, 1793, in order to prevent Hamilton's conduct on that occasion from being too closely examined!

ten by the Secretary of State (and of course submitted to the President), to the Spanish Commissioners in the United States, on the 11th and 14th of July, become a subject of strong interest. On the 11th (the day of the President's return to the capital), a communication was drawn up to Messrs. Viar and Jaudennes informing them that henceforth the American Government chose to treat directly with that of Spain, and that the offensive "style as well as matter of their communications" would be made known to their Government. This was answered on the 14th, with something like an apology; and the same day the Secretary of State replied.

"With respect to the letters I have had the honor of receiving from you for some time past, it must be candidly acknowledged that their complaints were thought remarkable, as to the matters they brought forward as well as the manner of expressing them. A succession of complaints, some founded on small things taken up as great ones, some on suggestions contrary to our knowledge of things, yet treated as if true on very inconclusive evidence, and presented to view as rendering our peace very problematical, indicated a determination to find cause for breaking the peace. The President thought it was high time to come to an éclaircissement with your Government directly, and has taken the measure of sending a courier to Madrid for this purpose. This, of course, transfers all explanation of the past to another place."

Here is no appearance of any change of policy, or of a disposition to open the door to such a change. And on the 13th of November following, the Secretary of State, in a brief note to the British Minister, garnished with no circumlocutions, reiterated the request made on the 19th of June, for an answer to the formal requisition of our Government (of May 29th, 1792) on Great Britain to execute her stipulations in the Treaty of Peace. Here also were no indications of seeking a retreat from any prior attitude—any indications of a desire to barter the amity and alliance of France for that of England.

We shall not regard it necessary henceforth to consume the space which would be requisite to give the particulars of the further official correspondence between Jefferson and Genet, down to the period when the recall of the latter was asked of his Government. We have already presented far more specific details than the intrinsic importance of the subject (for the purposes of this biography) would demand, had they not been enveloped in a dense cloud of historical misconstruction, if not for the object, at

least with the effect, of totally misrepresenting the attitude of Jefferson and his political friends. We have therefore avoided the convenient cover of loose generalities, and a selection of quotations made to exhibit the subject in a special phase. We have by no means given all the points of controversy between Genet and our Government, that being impossible here; but we have aimed to convey impartially the spirit and tone, on both sides, of the gradually warming controversy; and we have carefully preserved dates to allow the reader conveniently to verify the accuracy of these, and of conflicting (or different) accounts, by a reference to authorized publications of American State Papers. The publication before us is the one made in 1832, by order of Congress, under the editorship of the Secretary of the Senate and Clerk of the House of Representatives, Messrs. Lowrie and Clarke.

Genet's folly and intemperance of language did not diminish. but on the contrary, continued to increase after the events described. The replies of the Secretary of State, without ever passing over the Minister to defy or insult his Government, were of a tenor which afterwards wrung reluctant praise from his political opponents. On nearly, if not quite all the most important subsequent questions, the Cabinet appears to have acted as a unit.

Neither do we deem it important to give the contemporaneous correspondence between the Secretary of State and the British Minister. Mr. Hammond, though a querulous and rather weak man, could not but see that Genet and those who while whipping the top were so keenly taking advantage of its movements, were serving his cause far more effectually than he could himself do; and therefore he kept comparatively quiet. This was the more expedient, as new aggressive measures against the United States by his Government (by and by to be recorded) rendered the attitude of a blustering complainant, neither a very seemly nor perhaps quite a prudent one for him to occupy.

The reasons which had specially operated to prevent Mr. Jefferson from carrying out his intention to retire from office at the close of the first presidential term, had now spent their force, and he in the following letter tendered his resignation, to take effect in two months:

## TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, July 31, 1793.

DEAR SIR:

When you did me the honor of appointing me to the office I now hold, I engaged in it without a view of continuing any length of time, and I pretty early concluded on the close of the first four years of our Republic as a proper period for withdrawing; which I had the honor of communicating to you. When the period, however, arrived, circumstances had arisen, which, in the opinion of some of my friends, rendered it proper to postpone my purpose for awhile. These circumstances have now ceased in such a degree as to leave me free to think again of a day on which I may withdraw without its exciting disadvantageous opinions or conjectures of any kind. The close of the present quarter seems to be a convenient period, because the quarterly accounts of the domestic department are then settled of course, and by that time, also, I may hope to receive from abroad the materials for bringing up the foreign account to the end of its third year. At the close, therefore, of the ensuing month of September, I shall beg leave to retire to scenes of greater tranquillity, from those which I am every day more and more convinced that neither my talents, tone of mind, nor time of life fit me. I have thought it my duty to mention the matter thus early, that there may be time for the arrival of a successor, from any part of the Union from which you may think proper to call one. That you may find one more able to lighten the burthen of your labors, I most sincerely wish; for no man living more sincerely wishes that your administration could be rendered as pleasant to yourself, as it is useful and necessary to our country, nor feels for you a more rational or cordial attachment and respect than, dear sir, your most obedient, and most humble servant.

The Cabinet met by appointment, August 1st, to consider what course should be pursued towards Genet, whose insolence had reached a pitch which rendered a further continuance of diplomatic intercourse with him improper, except provisionally until he could have a successor appointed. The Cabinet were unanimous that the French Government should be requested to recall him. Jefferson was for "expressing that desire with great delicacy; the others were for peremptory terms."<sup>1</sup> Knox proposed to "send him off," without waiting to communicate with his Government—but this was rejected by all the rest. The entire Cabinet, including the President, were for informing Genet that his recall had been asked, except Jefferson, who thought "it would render him extremely active in his plans, and endanger confusion." The next question discussed was whether "a publication of the whole correspondence and statement of the proceedings should be made by way of appeal to the people." Hamilton took the affirmative, and, says Jefferson, "made a

<sup>1</sup> We follow Jefferson's statements, found in his *Ann.*

jury speech of three quarters of an hour, as inflammatory and declamatory as if he had been speaking to a jury." Randolph opposed it, and Jefferson "chose to leave the contest between them." The meeting was then adjourned to the next day.

The next day, Hamilton again spoke three quarters of an hour. Jefferson replied, and the heads of his argument are given in his *Ana*. The President favored the appeal. Jefferson states that Knox, "in a foolish and incoherent speech," introduced a lately published pasquinade, called "the funeral of George W——n, and James W——n, King and Judge, etc., where the President was placed on a guillotine;"—and that thereupon the President "got into one of those passions when he could not command himself,"—used some strong language in regard to the abuse he received—declared warmly that he had rather be in his grave than in his present situation—mentioned that "that rascal Fréneau" sent him three of his papers daily, and that he could see in it nothing but "an impudent design to insult him," etc.—but he ended by saying there was no necessity for deciding in regard to the appeal now, and that it could be left to events. It was not made.

The Cabinet again met August 3d. Further rules for maintaining neutrality between the belligerents were unanimously adopted, and the question of immediately convening Congress was made a topic of discussion. Knox and Randolph at once pronounced against it. Hamilton said his judgment was against it, but he would join any two to make a majority. Jefferson was decidedly in favor of it; and it appears that he did not give Hamilton credit for so much indifference as he affected. He says: "Knox said we should have had fine work if Congress had been sitting these last two months. The fool thus let out the secret. Hamilton endeavored to patch up the indiscretion of this blabber, by saying, 'he did not know; he rather thought they would have strengthened the Executive arm.'" The President agreed in opinion with Jefferson, but acquiesced with the majority.

A personal interview took place at this period between the President and Secretary of State, in regard to the retirement of the latter, the particulars of which justice to both requires should be fully described. We copy from the *Ana*:

"*August the 6th, 1793.*—The President calls on me at my house in the country, and introduces my letter of July the 31st, announcing that I should resign at the close of the next month. He again expressed his repentance at not having resigned himself, and how much it was increased by seeing that he was to be deserted by those on whose aid he had counted: that he did not know where he should look to find characters to fill up the offices; that mere talents did not suffice for the department of State, but it required a person conversant in foreign affairs, perhaps acquainted with foreign courts; that without this, the best talents would be awkward and at a loss. He told me that Colonel Hamilton had, three or four weeks ago, written to him, informing him that private as well as public reasons had brought him to the determination to retire, and that he should do it towards the close of the next session. He said he had often before intimated dispositions to resign, but never as decisively before; that he supposed he had fixed on the latter part of next session, to give an opportunity to Congress to examine into his conduct: that our going out at times so different, increased his difficulty; for if he had both places to fill at once, he might consult both the particular talents and geographical situation of our successors. He expressed great apprehensions at the fermentation which seemed to be working in the mind of the public; that many descriptions of persons, actuated by different causes, appeared to be uniting; what it would end in he knew not; a new Congress was to assemble, more numerous, perhaps of a different spirit: the first expressions of their sentiments would be important; if I would only stay to the end of that, it would relieve him considerably.

"I expressed to him my excessive repugnance to public life, the particular uneasiness of my situation in this place, where the laws of society oblige me always to move exactly in the circle which I know to bear me peculiar hatred; that is to say, the wealthy aristocrats, the merchants connected closely with England, the new created paper fortunes; that thus surrounded, my words were caught, multiplied, misconstrued, and even fabricated and spread abroad to my injury; that he saw, also, that there was such an opposition of views between myself and another part of the administration, as to render it peculiarly displeasing, and to destroy the necessary harmony. Without knowing the views of what is called the Republican party here, or having any communication with them, I could undertake to assure him, from my intimacy with that party in the late Congress, that there was not a view in the Republican party as spread over the United States, which went to the frame of the Government; that I believed the next Congress would attempt nothing material, but to render their own body independent; that that party were firm in their dispositions to support the Government; that the manœuvres of Mr. Genet might produce some little embarrassment, but that he would be abandoned by the Republicans the moment they knew the nature of his conduct; and, on the whole, no crisis existed which threatened anything.

"He said he believed the views of the Republican party were perfectly pure. but when men put a machine into motion, it is impossible for them to stop it exactly where they would choose, or to say where it will stop. That the Constitution we have is an excellent one, if we can keep it where it is; that it was, indeed, supposed there was a party disposed to change it into a monarchical form, but that he could conscientiously declare there was not a man in the United States who would set his face more decidedly against it than himself. Here I interrupted him, by saying, 'No rational man in the United States suspects you of any other disposition; but there does not pass a week, in which we cannot prove declarations dropping from the monarchical party that our government is good for nothing, is a

milk and water thing which cannot support itself, we must knock it down, and set up something of more energy.' He said if that was the case, he thought it a proof of their insanity, for that the Republican spirit of the Union was so manifest and so solid, that it was astonishing how any one could expect to move it.

"He returned to the difficulty of naming my successor; he said Mr. Madison would be his first choice, but that he had always expressed to him such a decision against public office, that he could not expect he would undertake it. Mr. Jay would prefer his present office. He said that Mr. Jay had a great opinion of the talents of Mr. King; that there was also Mr. Smith of South Carolina, and E. Rutledge; but he observed, that name whom he would, some objections would be made, some would be called speculators, some one thing, some another; and he asked me to mention any characters occurring to me. I asked him if Governor Johnson of Maryland had occurred to him. He said he had; that he was a man of great good sense, an honest man, and he believed clear of speculations; but this, says he, is an instance of what I was observing; with all these qualifications, Governor Johnson, from a want of familiarity with foreign affairs, would be in them like a fish out of water; everything would be new to him, and he awkward in everything. I confessed to him that I had considered Johnson rather as fit for the Treasury Department. Yes, says he, for that he would be the fittest appointment that could be made; he is a man acquainted with figures, and having as good a knowledge of the resources of this country as any man. I asked him if Chancellor Livingston had occurred to him. He said yes; but he was from New York and to appoint him while Hamilton was in, and before it should be known he was going out, would excite a newspaper conflagration, as the ultimate arrangement would not be known. He said McLurg had occurred to him as a man of first rate abilities, but it is said that he is a speculator. He asked me what sort of a man Wolcott was. I told him I knew nothing of him myself; I had heard him characterized as a cunning man. I asked him whether some person could not take my office *per interim*, till he should make an appointment; as Mr. Randolph, for instance. Yes, says he, but there you would raise the expectation of keeping it, and I do not know that he is fit for it, nor what is thought of, Mr. Randolph. I avoided noticing the last observation, and he put the question to me directly. I then told him, I went into society so little as to be unable to answer it; I knew that the embarrassments in his private affairs had obliged him to use expedients, which had injured him with the merchants and shopkeepers, and affected his character of independence; that these embarrassments were serious, and not likely to cease soon. He said, if I would only stay in till the end of another quarter (the last of December), it would get us through the difficulties of this year, and he was satisfied that the affairs of Europe would be settled with this campaign; for that either France would be overwhelmed by it, or the confederacy would give up the contest. By that time, too, Congress will have manifested its character and views. I told him that I had set my private affairs in motion in a line which had powerfully called for my presence the last spring, and that they had suffered immensely from my not going home; that I had now calculated them to my return in the fall, and to fail in going then, would be the loss of another year, and prejudicial beyond measure. I asked him whether he could not name Governor Johnson to my office, under an express arrangement that at the close of the session he should take that of the Treasury. He said that men never chose to descend; that being once in a higher department, he would not like to go into a lower one. He asked me whether I could not arrange my affairs by going home.

I told him I did not think the public business would admit of it; that there never was a day now, in which the absence of the Secretary of State would not be inconvenient to the public. And he concluded by desiring that I would take two or three days to consider whether I could not stay in till the end of another quarter, for that, like a man going to the gallows, he was willing to put it off as long as he could; but if I persisted, he must then look about him, and make up his mind to do the best he could: and so he took leave."

The earnest solicitations of General Washington prevailed, where those of Jefferson's other most valued friends had wholly failed.<sup>1</sup>

After taking the two or three days to consider, he announced to the President on the 10th the conclusion expressed in the following letter:

<sup>1</sup> Few productions in our language convey more strikingly than the following letter, written a few weeks earlier, that *loathing* of office which a man loving quiet and averse to embittered controversy, is brought under some circumstances, and after a sufficient experience in suffering, to feel:

To James Madison.

"June 9, 1798.

"I have to acknowledge the receipt of your two favors of May 27th and 29th, since the date of my last, which was of the 2d instant. In that of the 27th, you say you must not make your final exit from public life till it will be marked with justifying circumstances which all good citizens will respect, and to which your friends can appeal. To my fellow-citizens the debt of service has been fully and faithfully paid. I acknowledge that such a debt exists, that a tour of duty, in whatever line he can be most useful to his country, is due from every individual. It is not easy, perhaps, to say of what length exactly this tour should be, but we may safely say of what length it should not be. Not of our whole life, for instance, for that would be to be born a slave—not even of a very large portion of it. I have now been in the public service four and twenty years; one-half of which has been spent in total occupation with their affairs, and absence from my own. I have served my tour then. No positive engagement, by word or deed, binds me to their further service. No commitment of their interests in any enterprise by me requires that I should see them through it. I am pledged by no act which gives any tribunal a call upon me before I withdraw. Even my enemies do not pretend this. I stand clear, then, of public right on all points—my friends I have not committed. No circumstances have attended my passage from office to office, which could lead them, and others through them, into deception as to the time I might remain, and particularly they and all have known with what reluctance I engaged and have continued in the present one, and of my uniform determination to return from it at an early day. If the public, then, has no claim on me, and my friends nothing to justify, the decision will rest on my own feelings alone. There has been a time when these were very different from what they are now; when perhaps the esteem of the world was of higher value in my eye than everything in it. But age, experience and reflection preserving to that only its due value, have set a higher on tranquillity. The motion of my blood no longer keeps time with the tumult of the world. It leads me to seek for happiness in the lap and love of my family, in the society of my neighbors and my books, in the wholesome occupations of my farm and my affairs, in an interest or affection in every bud that opens, in every breath that blows around me, in an entire freedom of rest, of motion, of thought, owing account to myself alone of my hours and actions. What must be the principle of that calculation which should balance against these the circumstances of my present existence—worn down with labors from morning to night, and day to day: knowing them as fruitless to others as they are vexatious to myself, committed singly in desperate and eternal contest against a host who are systematically undermining the public liberty and prosperity, even the rare hours of relaxation sacrificed to the society of persons in the same intentions, of whose hatred I am conscious even in those moments of conviviality when the heart wishes most to open itself to the effusions of friendship and confidence, cut off from my family and friends, my affairs abandoned to chaos and derangement, in short, giving everything I love in exchange for everything I hate, and all this without a single gratification in possession or prospect, in present enjoyment or future wish. Indeed, my dear friend, duty being out of the question, inclination cuts off all argument, and so never let there be more between you and me, on this subject."



## TO THE PRESIDENT OF THE UNITED STATES.

*August 11, 1798.*

Thomas Jefferson, with his respects to the President, begs leave to express in writing more exactly what he meant to have said yesterday. A journey home in the autumn is of a necessity which he cannot control after the arrangements he has made, and when there, it would be his extreme wish to remain. But if the continuance in office to the last of December, as intimated by the President, would, by bringing the two appointments nearer together, enable him to marshal them more beneficially to the public, and more to his own satisfaction, either motive will suffice to induce Thomas Jefferson to continue till that time; he submits it, therefore, to the President's judgment, which he will be glad to receive when convenient, as the arrangements he had taken may require some change.

The President replied as follows :

## TO THOMAS JEFFERSON, SECRETARY OF STATE.

*PHILADELPHIA, 12 Aug., 1798.*

DEAR SIR :

I clearly understood you on Saturday, and of what I conceive to be two evils must prefer the least, that is, to dispense with your temporary absence<sup>1</sup> in the autumn, in order to retain you in office until January, rather than part with you altogether at the close of September.

It would be an ardent wish of mine, that your continuance in office, even at the expense of some sacrifice of inclination, could have been through the whole of the ensuing session of Congress, for many, very many weighty reasons, which present themselves to my mind; one of which, and not the least, is, that in my judgment the affairs of this country, as they relate to foreign powers, Indian disturbances, and internal policy, will have taken a more decisive, and, I hope, agreeable form than they now bear before that time, when, perhaps, other public servants might also indulge in retirement. If this cannot be, my next wish is, that your absence from the seat of Government in autumn may be as short as you conveniently can make it.

With much esteem and regard, I am, etc.

Assuming, what it is presumed no one will question, that the President expressed himself with sincerity, we have here presented in a pleasing and instructive light, in how small a degree some settled differences of opinion, and perhaps even momentary irritations, were capable of destroying the confidence and esteem of men thus masculinely constituted, and thoroughly conscious of each other's worth and integrity.

At a Cabinet meeting on the 15th, the Secretary of State submitted the rough draft of a letter prepared by him, to Mr. Morris, to ask the recall of Genet. Its consideration was deferred until the 20th. "There was," says Mr. Jefferson, in his

<sup>1</sup> Presence?

Ana, "no difference of opinion on any part of it, except on this expression, 'An attempt to embroil both, to add still another nation to the enemies of his country, and to draw on both a reproach which it is hoped will never stain the history of either, that of *liberty warring on herself*.' Hamilton moved to strike out the words, 'that of liberty warring on herself.'" He thought it would give offence to the enemies of France; that it was uncalled for; and he was not for encouraging the idea here that the cause of France was the cause of liberty. Knox "jumped plump" into Hamilton's opinions.

"The President, with a good deal of positiveness, declared in favor of the expression; that he considered the pursuit of France to be that of liberty, however they might sometimes fail of the best means of obtaining it; that he had never, at any time, entertained a doubt of their ultimate success, if they hung well together; and that as to their dissensions, there were such contradictory accounts given, that no one could tell what to believe."

Jefferson defended the phrase at considerable length. Randolph sided with Hamilton and Knox!

"The President again spoke. He came into the idea that attention was due to the two parties who had been mentioned, France and the United States; that as to the former, thinking it certain their affairs would issue in a government of some sort—of considerable freedom—it was the only nation with whom our relations could be counted on; that as to the United States, there could be no doubt of their universal attachment to the cause of France, and of the solidity of their republicanism. He declared his strong attachment to the expression, but finally left it to us to accommodate."

The words were stricken out, and thus the President was voted down!

It would seem from a draft, or rather notes for a draft, of the proposed letter to Morris, on this occasion, published in Hamilton's Works,<sup>1</sup> as drawn up by him, that the Secretary of the Treasury was not unwilling to render his assistance to the Secretary of State in the preparation of foreign correspondence—or else, that counting upon the adhesion of the fluctuating Randolph, he anticipated voting down Jefferson's draft and substituting one of his own. But the latter does not mention this paper, and therefore we are left to conclude it was not presented.

<sup>1</sup> Vol. v. p. 469.

Mr. Jefferson's letter, asking the recall of Genet, has been much and justly celebrated.<sup>1</sup> In the exhibition of that firm but conciliatory spirit which the rights and dignity of the United States demanded on one side, and the memory of the former favors and the acknowledgment of the continued friendship of France, on the other, this paper was a master-piece of successful composition, though it lacks the sonorous roll of the Spanish dispatches in June, and of many of its author's previous productions. Law and logic, well and keenly put, were necessary in this case to prove to a friend that our Government had acted equitably and liberally towards it on a variety of nicely balanced legal and practical questions. The Spanish dispatches were rather akin to a message sent, after argument was exhausted—akin to the solemn annunciation of the ancient herald offering the alternatives of peace or war to a national aggressor.

With the better knowledge now possessed of the subsequent phases of the French Revolution, none will complain of the amendment in the letter to Morris, carried against the opinions of Jefferson and the President. But the views of the latter pointed to their *wishes*, and indicated their confidence in mankind. It is not claimed that General Washington carried that confidence to the extent that Mr. Jefferson did—and he obviously, at this period, distrusted the French Revolution; but he never set his face against every change or hope for political amelioration, because liberty instead of despotism was the principle carried to excess—and, at all events, he saw no reason why an American Republic should be hot to join a crusade of tyrants against a friendly European one. Jefferson, in opposition to his earlier judgment, but with his usual sanguineness of faith in humanity, hoped on for the French Revolution. Those in the Cabinet who saw in democracy anywhere only a *blind and deformed monster*,<sup>2</sup> hoped nothing from that revolution. Both parties proved in the wrong. The democratic principle was not sustained in that country. But we take it, no reflecting and well-read man will now deny that the French Revolution, with all its horrors, led to the most decided political and social meliorations. The most absolute form of government to which

<sup>1</sup> Judge Marshall styles it an "able diplomatic performance" (vol. ii. p. 377), though he does not specially name the authorship.

<sup>2</sup> See Hamilton to King, quoted vol. i. p. 579.

France has since submitted, or to which it can ever be again made to submit, is freedom and happiness compared with the legal, the physical, and the moral degradation inflicted on it during the reigns of the two immediate predecessors of the unfortunate Louis XVI., and thence back through ages.

One feature of Mr. Jefferson's Ana, we are here reminded to commend to special attention. All who have read them have seen that a few suppressions of passages of no particular importance to him, would have left quietly in their quivers half the arrows that have since hurtled against him. And but for these records, half of those opinions or hopes of his in regard to France which have proved to be mistakes, and which are, therefore, regarded in some quarters as being so very extreme—would never have been publicly known. When the "calm revisal" took place, they were suffered to stand as part of the history of the events in which he had been an actor. His defeats in the Cabinet are narrated as particularly as his victories—his differences with his chief as his agreements. He never records the latter in light of victories; he never so far abnegates his manhood as to speak of the former as if a difference of opinion with any human being demanded an apology.

Pending the deliberations on the subject of requiring his recall, Genet had proceeded to New York, where he was received with the same enthusiasm which had marked his earlier triumphal progress in the South. He had been preceded by a report, says Judge Marshall, "whispered in private circles," that he had avowed a determination "to appeal from the President to the people." Chief Justice Jay and Senator Rufus King were questioned as to the truth of this, and having learned the facts from Hamilton and Knox, they answered accordingly. They were then called upon to affirm or deny the fact in the newspapers; and they published a certificate of its accuracy. This was probably concerted for political effect, and so far as Genet was concerned, was certainly not unmerited; but the etiquette or the dignity of persons occupying their official positions, and deriving their information from such sources, turning public certificate makers in the newspapers in regard to the angry expressions of the Minister of a friendly foreign power—expressions not made in their hearing, or directly to the President, or in a miscellaneous crowd, or yet carried into effect—

may well be questioned. And had Genet been an adroit man, they would have probably had the tables effectually turned upon them, and upon the political design they had in view. Few love to see a frank, hasty, friendly man, goaded into passion,

——— "All his faults observ'd  
Set in a note-book, learn'd, and conn'd by rote,  
To cast into his teeth "——

and when made in private, to cast into his teeth in public! These were not, certainly, the precise facts in this case. Dallas had no such thought. The President had no such thought. But the public feeling was in favor of Genet, and against the individuals who acted as informers. It was also against those members of the President's Cabinet, who had signalized their dislike to the Minister and his country from the day of his arrival in the United States; and who were believed to be strenuously exerting themselves to break up all friendly alliance with that country. Even after the ill-judged publication of Genet, soon to be noticed, the scale of public feeling hung for a period balanced. So far as Messrs. Jay and King were concerned, they were apparently more blamed than the French Minister. It was only the deep and merited veneration of the people for the President, that gave the object of the publication its full accomplishment. Had Genet published a modest card, admitting some warmth; disavowing any intended expressions of disrespect; lamenting that any misunderstood words of his had, without his being afforded an opportunity of explanation or denial, been thrust into the newspapers; placing his public explanation solely on the ground that it was due from the representative of a friendly Republic to the President and the American people; there can be but little doubt the means resorted to turn public feeling against him would have recoiled with infinitely greater effect on the contrivers.

But it was always safe to calculate on the want of a grain of good sense in the infatuated Minister—to calculate that provocation to action was only sure to call forth a new explosion of folly. Accordingly, on the 13th of August, he directly and in

<sup>1</sup> He did deny the threat imputed to him; and Mr. Dallas "did not admit that the precise words had been used."

high tones addressed the President himself, repeating his former complaints of the Executive action, and demanding an explicit declaration that he had never intimated to him an intention to appeal to the people. The Secretary of State answered this letter on the 16th, informing the French Minister that all communications to the Executive must be made through the usual channel; and that the President "did not conceive it to be within the line of propriety or duty, for him to bear evidence against a declaration which, whether made to him or others, was perhaps immaterial;" and "he therefore declined answering in the case."

Genet published his letter and the Secretary's reply by way of answer to the publication of the Chief Justice and Senator King. But in so doing, he unquestionably, to some degree, made that very appeal to the people which he was accused of threatening:

Mr. Jefferson wrote to Mr. Madison, August 25th :

Sir :

You will perceive by the inclosed papers that Genet has thrown down the gauntlet to the President by the publication of his letter and my answer, and is himself forcing that appeal to the people, and risking that disgust which I had so much wished should have been avoided. The indications from different parts of the continent are already sufficient to show that the mass of the Republican interest has no hesitation to disapprove of this intermeddling by a foreigner, and the more readily as his object was evidently, contrary to his professions, to force us into the war. I am not certain whether some of the more furious Republicans may not schismatize with him.

And to the same, September 1st :

"The disapprobation of the agent mingles with the reprehension of his nation, and gives a toleration to that which it never had before. He has still some defenders in Freneau and Greenleaf's paper, and who they are I know not: for even Hutcheson and Dallas give him up.

"Hutcheson says that Genet has totally overturned the Republican interest in Philadelphia. However, the people going right themselves, if they always see their Republican advocates with them, an accidental meeting with the Monocrats will not be a coalescence. You will see much said, and again said, about G.'s threat to appeal to the people. I can assure you it is a fact."

The particular manner of alluding here to Freneau's paper—in a private letter to Mr. Madison—is significant of the

<sup>1</sup> Did the Secretary here mean that the *declaration was immaterial*, as this sentence would imply; or that if such a declaration was made, it was immaterial whether it was made to the President personally or to others? The last, we think, is the popularly received construction—but we question if this was the intended meaning of the writer.

degree of influence which Mr. Jefferson exercised over the management of that paper, and also how far *it* even attempted to make itself *his* particular organ.

In the same letter is mentioned the appearance of a scourge in Philadelphia (it proved to be the yellow fever), which was destined to commit fearful ravages before its departure :

" A malignant fever has been generated in the filth of Water street, which gives great alarm. About seventy people had died of it two days ago, and as many more were ill of it. It has now got into most parts of the city, and is considerably infectious. At first three out of four died, now about one out of three. It comes on with a pain in the head, sick stomach, then a little chill, fever, black vomiting and stools, and death from the second to the eighth day. Everybody who can, is flying from the city, and the panic of the country people is likely to add famine to disease. Though becoming less mortal, it is still spreading, and the heat of the weather is very unpropitious. I have withdrawn my daughter from the city, but am obliged to go to it every day myself."

On the 31st of August the Cabinet assembled to consider some very grave questions. Information had been received that a French prize, arrested by the proper legal process, at Boston, had been rescued by an armed force from a French vessel of war, acting under the orders of Du Plaine, the French Consul at that city.

A letter from Mr. Maury, the United States Consul at Liverpool, contained a copy of orders in council, by the British Government, dated June 8th, for the stoppage of all neutral vessels, laden with corn, flour, or meal, bound for French ports; and they were to be sent into British ports, and not be allowed to proceed to those of other countries, not in amity with Great Britain.

The newspapers had also brought information that the Government of France had ordered all neutral vessels loaded with provisions to other countries, to be carried into France, and their cargoes taken on paying for them. But the same authority stated that a special exception had been subsequently made, in favor of American vessels.

Lastly, a letter from the Governor of Georgia contained information that his State was about to send a force against the Creeks, to administer that chastisement which had so long been delayed by the general Government.

The Cabinet agreed, unanimously, that a prosecution should

be instituted against Du' Plaine, and if it appeared the rescue was by his order, that his *exequatur* be revoked: that Mr. Pinckney "be provisionally instructed to make representations to the British Ministry on the said instruction [the orders in council] as contrary to the rights of neutral nations, and to urge a revocation of the same, and full indemnification to any individuals, citizens of these States, who may, in the meantime, suffer loss in consequence of the said instruction." etc.: that "Mr. Morris be provisionally instructed, in case the first mentioned decrees [of the French Government] have passed, and not the exceptions, to make representations thereon to the French Government as contrary to the treaty existing between the two countries, and the decree relative to provisions, contrary also to the law of nations; and to require a revocation thereof, and full indemnity to any citizens of these States who may, in the meantime, have suffered loss therefrom, and also in case the said decrees and the exceptions were both passed, that then a like indemnification be made for losses intervening between the dates of the said decrees and exceptions:" and that the Governor of Georgia be informed that the President wholly disapproved of his step, and "expected it would not be proceeded in."

The above paper was drafted by Hamilton.<sup>1</sup> When the affairs of the preceding three months are taken into consideration—when it is understood that it was now distinctly ascertained that while our course had, to say the least of it, been so preëminently liberal towards Great Britain,<sup>2</sup> her Government, without relaxing a particle from her previous injurious and menacing attitude, had issued orders tantamount to the utter destruction of our neutral commerce—when France, to avert the famine, thus sought to be brought upon her, had also resorted to illegal retaliatory measures, but remembering her ancient friendship, had excepted the United States—when, we say, on the heel of such news, the Cabinet put their signatures to an "opinion," thus worded, it presents a curious, and, we confess, mortifying spectacle of apparent partiality or pusillanimity. And it must have been with pain that the President, with his high sense of national dignity, gave his acquiescence to

<sup>1</sup> See his Works, vol. iv. p. 471.

<sup>2</sup> So liberal as to extort the warm approbation of Lord Grenville, as we shall presently see.



this unanimous act of a body, to a bare majority of whom it was his custom to defer.

■ We should consider Jefferson's manhood impeached by his acquiescence in even a private Cabinet decision that England should be provisionally "urged" to revoke an officially announced sweeping edict against our commerce, "as contrary to the rights of neutral powers," while France, if she had made a certain reported edict, and not made an equally well reported exception, was to be "required" to revoke it as contrary to "treaty" and the "law of nations," did we not keep in view that he was now in a settled minority in the Cabinet on this class of questions, that the Du Plaine affair had provoked a tempest of excitement among his colleagues, and that every word he uttered which could be tortured into any support of France, was liable to the most gross misconstruction and misrepresentation. We much wish, however, that we could record, that braving these things from any and every quarter, he had voted against the resolution thus worded.

Du Plaine's outrage had justified a storm of indignation. The Secretary of State was summary enough with him! He wrote the United States District Attorney at Boston, that Du Plaine was "not a diplomatic character, and had no immunity whatever against the laws"—that he was subject to "even capital" punishment. He ordered him, if arrested, to be so arrested, "as to leave room neither for escape nor rescue."<sup>1</sup>

In regard to the tone of the communication to Governor Telfair, of Georgia, there was a difference in the Cabinet, corresponding with the feelings of its members towards the State Governments.<sup>2</sup> Jefferson was in favor of a "temperate and conciliatory" communication; the other three members of "a strong letter of disapprobation."

On the 8th of September, Jefferson wrote to Madison:

"I mentioned to you in my last that a French consul at Boston had rescued a vessel out of the hands of a Marshal by military force. Genet has, at New York, forbidden a Marshal to arrest a vessel, and given orders to the French squadron to protect her by force."<sup>3</sup> Was there ever an instance before of a diplomatic man

<sup>1</sup> Jefferson to Gore, September 2d. 1793.

<sup>2</sup> We do not mean to say that Randolph was habitually an anti-State-Rights man. He was not habitually anything!

<sup>3</sup> The *William Tell*, captured within a mile of the American coast. There were reasons, however, for believing that Genet acted under a misunderstanding. But he was warned

overawing and obstructing the course of the law in a country by an armed force? The yellow fever increases. The week before last about three a day died. This last week about eleven a day have died; consequently, from known data about thirty-three a day are taken, and there are about three hundred and thirty patients under it. They are much scattered through the town, and it is the opinion of the physicians that there is no possibility of stopping it. They agree it is a nondescript disease, and no two agree in any one part of their process of cure. The President goes off the day after to-morrow, as he had always intended. Knox then takes flight. Hamilton is ill of the fever, as is said. He had two physicians out at his house the night before last."

On the 7th of September, the Secretary of State forwarded instructions to the American Minister in England, quite different in phraseology from Hamilton's Cabinet draft. They were eminently pacific and prudently guarded in their language, but they studied to avoid no phrases which it would have been considered proper and safe to address to other European powers besides England, under like circumstances. General Washington of course saw and approved of these instructions. The pusillanimous tone of the resolution of August 31st was thus repudiated in practice. We should be glad to transcribe portions of the paper, but our limits do not permit.

On the 5th of July, Mr. Pinckney forwarded from London a copy of the orders. He wrote that Lord Grenville justified them "from the authority of the writers on the Laws of Nations, particularly 2d Vattel 72, 73;" that his lordship "said Spain would pursue the same line of conduct;" that he "spoke in high terms of approbation of the answers to Mr. Hammond's memorials." That is to say, while England declared that she and her ally would persevere in a policy so rigorous and destructive towards us, the Minister of the former power distinctly admitted that we were pursuing a course between it and France which received his high approbation.

On the 15th of August, Mr. Pinckney further informed his Government that he had assured Lord Grenville that the orders would be regarded by the United States "as infringements of their neutral rights," but after several conversations, he did not find that the British Government "would at all relax in the measures they had adopted towards the neutral nations." On the 25th of September he reiterated the same information in regard to the inflexibility of that Government.

by the Secretary of State that he must not again interfere to prevent the service of a civil process.

To carry down (so far as necessary here) the Secretary of State's official correspondence with Great Britain to the end of the year, we may remark that on the 13th of November, the former again, for the third time, asked an answer to his paper (of May 29th, 1792) in regard to the non-execution of the treaty of peace. A few days after (November 22d), Mr. Hammond, in a note of a dozen lines, "had the honor of informing" the Secretary "that he had not yet received such definite instructions" "as would enable him immediately to renew the discussions upon the subject of it," etc.

We will now return to the personal movements of the Cabinet, where we left them at the opening of September. Colonel Hamilton was attacked by the yellow fever on the 6th of that month, and was confined to his house, two miles and a half out of the city. On the 11th Jefferson wrote to Mr. Morris:

"An infectious and mortal fever is broke out in this place. The deaths under it the week before last were about forty, the last week about fifty, this week they will probably be about two hundred, and it is increasing. Every one is getting out of the city who can. Colonel Hamilton is ill of the fever, but is on the recovery. The President, according to an arrangement of some time ago, set out for Mount Vernon on yesterday. The Secretary of War is setting out on a visit to Massachusetts. I shall go in a few days to Virginia. When we shall reassemble again may, perhaps, depend on the course of this malady, and on that may depend the date of my next letter."

On the 12th, he transmitted business papers for Hamilton's inspection, from which we infer the convalescence of the latter.

On the 15th, Jefferson sent Genet a copy of the letter asking his recall. After briefly alluding to the necessity of making this request, the Secretary added:

"This has accordingly been directed to be done by the Minister Plenipotentiary of the United States at Paris, in a letter, a copy of which I now inclose to you; and, in order to bring to an end what cannot be permitted to continue, there could be no hesitation to declare in it the necessity of their having a representation here, disposed to respect the laws and authorities of the country, and to do the best for their interest which these would permit. An anxious regard for those interests, and a desire that they may not suffer, will induce the Executive in the meantime to receive your communications in writing, and to admit the continuance of your functions so long as they shall be restrained within the limits of the law, as heretofore announced to you, or shall be of the tenor usually observed towards independent nations by the representative of a friendly power residing with them."

Having "cleared his letter files," and brought up the transaction of all the business of his office to the present moment,

and prepared it so far as practicable for his absence, he, with his daughter, left the pestilence-smitten city on the 17th of September. He made the customary stop at Mount Vernon on the 22d, and reached home on the 25th.

The following are extracts from letters to his eldest daughter since his previous visit home :

TO MARTHA JEFFERSON RANDOLPH.

(Extracts.)

"PHILADELPHIA, *January 14th*, '93.—Though his letter informed me of the reestablishment of Anne, yet I wish to learn that time confirms our hopes. We were entertained here lately with the ascent of Mr. Blanchard in a balloon. The security of the thing appeared so great, that everybody is wishing for a balloon to travel in. I wish for one sincerely, as instead of ten days, I should be within five hours of home."

(Here should follow the letter of January 26th, already given.)

"PHILADELPHIA, *February 24th*, '93.—Kiss dear Anne, and ask her if she remembers me, and will write to me. Health to the little one, and happiness to you all "

"PHILADELPHIA, *March 10th*, '93.—When I shall see you I cannot say ; but my heart and thoughts are all with you till I do. I have given up my house here, and taken a small one in the country, on the banks of the Schuylkill, to serve me while I stay. We are packing all our superfluous furniture, and shall be sending it by water to Richmond when the season becomes favorable. My books too, except a very few, will be packed and go with the other things ; so that I shall put it out of my own power to return to the city again to keep house, and it would be impossible to carry on business in the winter at a country residence. Though this points out an ultimate term of stay here, yet my mind is looking to a much shorter one, if the circumstances will permit it which broke in on my first resolution. Indeed, I have it much at heart to be at home in time to run up the part of the house, the latter part of the summer and fall, which I had proposed to do in the spring."

"PHILADELPHIA, *June 10th*, '93.—I sincerely congratulate you on the arrival of the mocking-bird. Learn all the children to venerate it as a superior being in the form of a bird, or as a being which will haunt them if any harm is done to itself or its eggs. I shall hope that the multiplication of the cedar in the neighborhood, and of trees and shrubs round the house, will attract more of them : for they like to be in the neighborhood of our habitations if they furnish cover."

"PHILADELPHIA, *July 7th*, '93.—My head has been so full of farming since I have found it necessary to prepare a place for my manager, that I could not resist the addressing my last weekly letters to Mr. Randolph, and boring him with my plans. Maria writes to you to-day. She is getting into tolerable health, though

not good. She passes two or three days in the week with me, under the trees, for I never go into the house but at the hour of bed. I never before knew the full value of trees. My house is entirely embosomed in high plane trees, with good grass below; and under them I breakfast, dine, write, read, and receive my company. What would I not give that the trees planted nearest round the house at Monticello were full grown."

"PHILADELPHIA, *July 21st*, 1793.—We had peaches and Indian corn the 12th inst. When do they begin with you this year? Can you lay up a good stock of seed-peas for the ensuing summer? We will try this winter to cover our garden with a heavy coat of manure. When earth is rich it bids defiance to droughts, yields in abundance, and of the best quality. I suspect that the insects which have harassed you have been encouraged by the feebleness of your plants; and that has been produced by the lean state of the soil. We will attack them another year with joint efforts."

"PHILADELPHIA, *Aug. 4th*, '93.—I inclose you two of Petit's receipts. The orthography will amuse you,<sup>1</sup> while the matter may be useful. The last of the two is really valuable, as the beans preserved in that manner are as firm, fresh, and green, as when gathered."

"PHILADELPHIA, *August 18th*, '93.—Maria and I are scoring off the weeks which separate us from you. They wear off slowly, but time is sure though slow. " " " My blessings to your little ones, love to you all, and friendly how-d'yes to my good neighbors. Adieu."

The yellow fever continued to increase in Philadelphia til about the middle of October, and on the second week of that month the number of deaths from it was seven hundred. The

<sup>1</sup> Petit was his *maitre-d'hôtel*, an "artiste" in the culinary line, long in his service, and warmly attached to him, as his domestics invariably were. Of the orthography in question, the following is a specimen—showing, by the by, that Petit, had he been a Canadian "voyageur," would have proved himself no mean hand at framing "Indian vocabularies," for the use of the learned: that is, supposing these to be acquainted with the sounds of the French language, and the established mode of rendering them to the eye; and not in the predicament in which Mr. Madison found himself once, when called in at Princeton to act as interpreter. Petit's mode of writing *pancakes* was, *paune-quaques*; which latter word, read by a Frenchman, would correspond exactly to an Englishman's reading of the former.

The passage in Mr. Madison's college life just referred to, related by him to me once, as we sat together at his table after dinner—narrated with that inimitable mixture of boyish fun and drollery in his eye, and sedateness of manner, for which he was so remarkable—afforded me then one of the heartiest laughs I ever enjoyed.

The substance of the story was as follows: A forlorn, wayworn Frenchman came to Princeton and addressed himself to the President. Mr. Madison, as the only "French-scholar," known to be at the institution, was sought for, to act as interpreter. After some delay he was found, and they were brought face to face: whereupon the Frenchman began to hold forth. Mr. M., listening with all his might, was able to catch a few words—sufficient to convey to his mind a glimmering of the other's meaning. This having been communicated to the President, Mr. M.'s turn came, and he commenced. But it soon became manifest to him and to the bystanders, that the poor Frenchman did not understand one word of what he was saying. "I might (said Mr. Madison) as well have been talking *Kickapoo* at him! I had learnt French of my Scotch tutor, reading it with him as we did Greek and Latin; that is, as a *dead language*; and this, too, pronounced with his Scotch accent, which was quite broad; and a twang of which my own tongue had probably caught, as regarded the pronunciation of those dead languages."—*Note by a member of Mr. Jefferson's family.*

population of the city was, we believe, not far from fifty thousand, and more than a third of this number had fled. The entire number of deaths was about four thousand.

Congress was to meet in the city on the 2d of December, and fears were entertained that the malady would not then be abated. This suggested to the President the question, whether it would be proper for him to issue a proclamation calling Congress to assemble at some other place. He had proposed this to Mr. Jefferson, while on his way to Virginia; and the latter had given as his opinion, before examination, that the President had not that power. The President had requested his Cabinet to meet him at Germantown, on the 1st of November; and the fever still continuing in the city, he felt called upon to come to a decision on the preceding question; and about the close of September, he consulted the Attorney General and Secretary of State, and a few days afterwards, the Secretary of the Treasury, in writing. The two first gave opinions that the President could not, under the Constitution, change the place of the meeting of Congress. Jefferson thought "Congress must meet in Philadelphia, even if it was in the open fields, to adjourn themselves to some other place."<sup>1</sup> Hamilton thought the President's authority extended as much to the place as the time for calling Congress, but as there were "respectable opinions" against it, he suggested that it be expedient to recommend an assembling of this body at some other point than Philadelphia, where the members could meet and determine on their further action.<sup>2</sup> The President, fearing probably that if nothing was done, Congress might fail to assemble for a considerable period—a circumstance, now that affairs had reached such an embroiled state with Spain, France, and the Creek Indians, which might prove embarrassing—was very anxious for some arrangement which would guard against that contingency. On the same day that he wrote the Secretary of the Treasury (October 14th), he also addressed a letter soliciting the advice of Mr. Madison, the Republican leader in the House, on the same question. Every word of this communication breathed the most cordial unreserve, and anything but the feeling or attitude of the responsible Ex-

<sup>1</sup> Jefferson to Washington, Oct. 17. This letter is published in the Congress edition of Jefferson's Works, without an address, and is not given in Randolph's edition.

<sup>2</sup> Hamilton's Works, vol. iv. p. 477.

ecutive officer of a nation addressing the chief of what he regarded as a parliamentary "opposition" to his administration. Nor was this quite all. The following paragraph from the letter contained a more confidential request:

"I have written to Mr. Jefferson on the subject. Notwithstanding which, I would thank you for your opinion, and that fully, as you see my embarrassment. I even ask more. I would thank you, not being acquainted with forms, to sketch some instrument for publication, adapted to the course you may think it would be most expedient for me to pursue in the present state of things, if the members are called together as before mentioned."<sup>1</sup>

Mr. Madison answered that, for the President to change the place of meeting of Congress "would require an authority that did not exist under the Constitution," and that "laying aside the Constitution and consulting the law, the expedient seemed no less inadmissible." He, however, forwarded the draft of a proclamation, in case the President should arrive at a different conclusion.<sup>2</sup> The President, at length, determined not to interfere further on the subject.

This letter to Mr. Madison calls to mind another circumstance which would seem to throw some light on General Washington's view of his own political position. The venerable Edmund Pendleton of Virginia, revered for his rectitude, and admired for his profound talents by all parties, addressed the latter a letter, September 11th, mentioning freely his doubts in regard to the manner in which the Treasury Department had been managed under the auspices of Colonel Hamilton: mentioning that "all that officer's reports on ways and means, from that on the Funding system to the present day, had impressed him with an idea of his (Hamilton's) having made the system of the British Ministry the model of his conduct, as assumed American primate, choosing rather to trust to a moneyed interest he had created, for the support of his measures, than to their rectitude;" complaining of the assumption of State debts "in a lump," etc.<sup>3</sup>

<sup>1</sup> Sparks's Washington, vol. x. p. 379.

<sup>2</sup> *Ib.* vol. x. p. 552.

<sup>3</sup> We will give all of this important letter with which the editor of General Washington's Writings has furnished the world (see Sparks, vol. x. p. 370—note):

"I am an utter stranger to the gentleman at the head of that department, and pretty much so to the detail of his conduct; but I will confess to you, sir, that all his reports on ways and means, from that on the Funding system to the present day, have impressed me with an idea of his having made the system of the British Ministry the model of his conduct as assumed American primate, choosing rather to trust to a moneyed interest he has created, for the support of his measures, than to their rectitude. I do not say

In his answer to this (September 23d), General Washington said nothing to show that he felt committed to a political side, or viewed those who differed with the Treasury measures as an "opposition" to his government. He thanked Judge Pendleton warmly for his letter—regretted that he had not oftener written—wished "he had more to do on the great theatre"—assured him his "unreserved opinion upon any public measure of importance, would always be acceptable whether it respected men or measures." He said he would write nothing about the fiscal conduct of the Secretary of the Treasury, as it would probably be investigated during the next session of Congress—that if he mistook not, Hamilton would not shrink from that investigation—that no one wished more devoutly than he (the President) did that Hamilton's conduct "might be probed to the bottom, be the result what it might." And he thus concluded :

"You do me no more than justice when you suppose that, from notions of respect to the Legislature (and I might add from my interpretation of the Constitution), I give my signature to many bills, with which my judgment is at variance. In saying this, however, I allude to no particular act. From the nature of the Constitution I must approve all the parts of a bill, or reject it *in toto*. To do the latter can only be justified upon the clear and obvious ground of propriety; and I never had such confidence in my own faculty of judging, as to be ever tenacious of the opinions I may have imbibed in doubtful cases.

"Mrs. Washington, who enjoys tolerable health, joins me most cordially in best wishes to you and Mrs. Pendleton. I wish you may live long, continue in good health, and end your days, as you have been wearing them away, happily and respected. Always and very affectionately yours," etc.

These declarations ought to be kept steadily in view by those who would truly understand General Washington's political position.

these were his motives, but such they appear to me; and I fear we shall long feel the effects of the system if it were now to be changed, which it is supposed would be improper, at least as to the Funding system.

"The non-discrimination, which he so much labored, appeared to me a sacrifice of the substance of justice to its shadow; its effects to throw unearned wealth into a few unmeriting hands, instead of diffusing it (after repaying them their purchase money) to those who entitled themselves to it by the most meritorious consideration. The assumption of the State debts in a lump, before it was ascertained that they were created for common benefit (which would make them an equitable charge on the Union), seemed to me unaccountable, unless derived from the Secretary's position, that increase of public debt is beneficial; a maxim adopted by the British Cabinet, but unsupported by reason or other example, and its national effects there strangely misrepresented.

"The various kinds and value of the new certificates I see inconveniences in, but can discover no other reason for, than to give the rich speculators at or near the seat of Government an advantage over the distant, uninformed, unwary, or distressed citizens; and the recommended irredeemable quality, as a means of increasing their credit in circulation, is a paradox of which no solution has yet occurred to my mind."



Jefferson's personal relations with Genet had been for some time losing their friendly character; and the communication of the former, of September 15th, with its inclosure, had thrown the latter into an ungovernable rage. He replied (September 18th), bitterly denouncing the conduct of the United States Government towards him—specially and separately complaining of the acts and language of the President—of the Secretary of State—of the other heads of department—of the American Minister in France—and alluding, pointedly, to leading Federalists in and out of Congress, as “distinguished personages, who speculated so patriotically on the public funds—on the lands and papers of the State.”

He sarcastically remarked :

“I have not endeavored to encourage the federal Government to employ the only means worthy of a great people, to preserve peace and enjoy the advantages of neutrality—a useful object, not to be obtained by timid and uncertain measures, by premature proclamations which seemed extorted by fear, by a partial impartiality which sours your friends without satisfying your enemies—but by an attitude firm and pronounced, which apprises all the powers that the very legitimate desire of enjoying the sweets of peace has not made you forget what is due to justice, to gratitude; and that, without ceasing to be neutral, you may fulfill public engagements, contracted with your friends in a moment when you were yourselves in danger.”

His complaints of the personal deportment of the President were severe and indecorous :

“I will tell you, then, without ceremony, that I have been extremely wounded, sir: 1st, That the President of the United States was in a hurry, before knowing what I had to transmit to him, on the part of the French republic, to proclaim sentiments, on which decency and friendship should at least have drawn a veil. 2d, That he did not speak to me at my first audience, but of the friendship of the United States towards France, without saying a word to me, without enouncing a single sentiment on our revolution, while all the towns from Charleston to Philadelphia had made the air resound with their most ardent wishes for the French republic. 3d, That he received and admitted to a private audience, before my arrival, Noailles and Talon, known agents of the French counter-revolutionists, who have since had intimate relations with two members of the federal Government. 4th, That this first magistrate of a free people, decorated his parlor with certain medallions of Capet and his family,<sup>1</sup> which served at Paris as signals of rallying. 5th, That the first complaints which were made to my predecessor of the armaments and prizes which took place at Charleston on my arrival, were, in fact, but a paraphrase of the notes of the English Minister.”

<sup>1</sup> All will understand by this the King of France and his family

The manner in which the Secretary of War and Secretary of the Treasury had made personal communications to him was a subject of complaint. The Secretary of State came in for a full share of indignation. Speaking of the demand for his own recall, Genet said :

"Whatever may be the result of the achievement of which you have rendered yourself the generous instrument, after having made me believe that you were my friend, after having initiated me into mysteries which have inflamed my hatred against all those who aspire to an absolute power, there is an act of justice which the American people, which the French people, which all free people are interested to reclaim; that is, that there be made a particular inquiry, in the next Congress, of the motives on which the head of the Executive power of the United States has taken on himself to demand the recall of a public minister, whom the sovereign people of the United States had received fraternally, and recognized, before the diplomatic forms had been fulfilled with respect to him, at Philadelphia." In another place, but in no connection with the preceding, he speaks of "gentlemen who have been painted to him so often as aristocrats, partisans of monarchy, partisans of England, of her Constitution, and consequently enemies of the principles which all good Frenchmen have embraced with a religious enthusiasm."<sup>1</sup>

<sup>1</sup> Genet does not specify the "painter," nor does he in the preceding sentence aver that Jefferson had "inflamed his hatred," individually against *the Cabinet*, or any member of it. Judge Marshall has so collocated portions of these sentences, so connected them with Mr. Jefferson's name, and made such *omissions*, that he has been understood by most readers, we believe, to convey a contrary impression in both particulars (see his *Life of Washington*, 2d edition, vol. ii. pp. 277, 278). And as usual this has swelled into broad and vituperative allegation in the next month.

We should esteem the fact of Genet's making such charges, of no great importance were it true. We believe no one has considered the characters of Washington, Hamilton and Knox very seriously damaged by the assertions of the enraged minister on the same occasion. Nay, we are willing to suppose that Jefferson had spoken as freely to Genet of the designs of the monarchical Federalists, and even specially of the "Treasury schemes," as Hamilton accused him of doing to "all who approached him." We imagine that foreign ministers have never in this, or any other free country, been interdicted by the rules of decorum from hearing the usual private expressions of partisan opinion and feeling.

There is not a particle of proof, however, admitting the testimony of Genet himself, that Jefferson ever made any specific or general allegation to him against any member of *the Cabinet*. Notwithstanding Jefferson *continued* the "generous instrument" (as Genet sarcastically termed him) of the Cabinet to crush him—threw his own popularity with the Republicans into the scale for the Cabinet in its struggle with Genet—literally dealt the latter the *coup de grâce*—still, nowhere did Genet, with all the willingness to accuse Jefferson of duplicity ascribed to him by Judge Marshall, bring forward a specific allegation to that effect. And no fact could have served him half so effectually, if true; for it would have disarmed the influence of the "instrument" with the Republicans.

We have seen that Jefferson was early and clearly apprised of Genet's impulsive and imprudent character. In fact, Jefferson's enemies have never accused him of a want of this kind of penetration, or of foolish exposures of himself. The idea, therefore, that he would make Genet the depository of any dangerous confidence, would be absurd in itself, apart from any other proof or want of proof.

There is another point worth attention. If Judge Marshall did intend the supposed innuendo, the quotations and general presentation of the case on which he bases it also clearly establish the very important fact that Jefferson had communicated to Genet that somebody in the Cabinet was "aspiring to an absolute power." If Genet accused any one in that body of such aspirations, it was clearly General Washington. If he got his cue from Jefferson, then Jefferson had informed the French Minister that General Washington "aspired to an absolute power!" Is not this proving a little too much for the wishes of even Mr. Jefferson's enemies? But let us give them the benefit of a less ridiculous construction. Is the hypothesis probable, or only slightly less ridiculous that

This communication did not reach the State Department before Jefferson had set out on his journey home. On the 30th of September it was placed in a packet with other letters and forwarded to him in Virginia. By some accident of the mail it did not reach Monticello before his return, or get back to Philadelphia and into his hands until the 2d of December. He took no notice of it whatever; and afterwards, when required by official business to address Genet, made no change whatever in his tone.

Mr. Jefferson, in compliance with the summons of the President, reached Germantown on the 1st of November; and he the next day gave Madison the following picture of things and politics in the pro-tempore capital:

GERMANTOWN, November 2, 1798.

I overtook the President at Baltimore, and we arrived here yesterday, myself fleeced of seventy odd dollars to get from Fredericksburg here, the stages running no further than Baltimore. I mention this to put yourself and Monroe on your guard. The fever in Philadelphia has so much abated as to have almost disappeared. The inhabitants are about returning. It has been determined that the President shall not interfere with the meeting of Congress. R. H. and K. were of opinion he had a right to call them to any place, but that the occasion did not call for it. I think the President inclined to the opinion. I proposed a proclamation notifying that the Executive business would be done here till further notice, which I believe will be agreed. H. R. Lewis, Rawle, etc., all concur in the necessity that Congress should meet in Philadelphia, and vote there their own adjournment. If it shall then be necessary to change the place, the question will be between New York and Lancaster. The Pennsylvania members are very anxious for the latter, and will attend punctually to support it, as well as to support much for Muhlenburg, and

Jefferson had informed the open-mouthed Frenchman that all his opponents in the Cabinet, or a part of them, or any of them, were aspiring to (that is, seeking to obtain for themselves) an absolute power!

We may pay too much attention to such innuendoes. But it is curious to note how they travel along from a vague hint to assertions made as confidently as if they rested on conceded facts. We have a batch of later "histories" which abound with such examples—some of them finally ascending to that sublimity of impudence that they clinch the argument (in the case of lower innuendoes than Judge Marshall ever stooped to make) by declaring that they never have been denied on any (or perhaps any "good") authority!

It is amusing to witness the subterfuges resorted to in order to fasten some personal imputation on Jefferson. The case in hand is a good example. A vague allusion against Jefferson is culled out from amongst severe ones against his colleagues. The later "historians" are horror-struck under the bare conjecture that he had committed the high indecorum of saying something against the political views or purposes of colleagues to the French Minister. Yet these sticklers for decorum have no eyes or ears for the fact that one of those colleagues had before that, been months, not only to the French Minister, but to the world, charging Jefferson through the columns of a newspaper, with personal dishonor, untruth, willful calumny, subornation of perjury, etc.!

We need not say that if we bring Judge Marshall's name often into question, and pass over those of coarse and violent detractors, it is only because we pay the former the credit of believing that his character gives the faintest hint from him vastly more importance than attaches to the most solemn affirmations of whole brigades of the latter.

oppose the appointment of Smith (S. C.), speaker, which is intended by the Northern members. According to present appearances this place cannot lodge a single person more. As a great favor, I have got a bed in the corner of the public room of a tavern; and must continue till some of the Philadelphians make a vacancy by removing into the city. Then we must give him from four to six or eight dollars a week for cuddies without a bed, and sometimes without a chair or table. There is not a single lodging-house in the place. Ross and Willing are alive. Hancock is dead. Johnson of Maryland has *refused* Rec. L. and McE.<sup>1</sup> in contemplation; the last least. You will have seen Genet's letters to Moultrie and to myself. Of the last I know nothing but from the public papers; and he published Moultrie's letter and his answer the moment he wrote it. You will see that his inveteracy against the President leads him to meditate the embroiling him with Congress. They say he is going to be married to a daughter of Clinton's. If so, he is afraid to return to France. Hamilton is ill, and suspicious he has taken the fever again by returning to his house. He, of course, could not attend here to-day; but the President had showed me his letter on the right of calling Congress to another place. Adieu.

Under date of November 14th, we find the following letter from Mr. Jefferson to the unfortunate sculptor, Giuseppe Ceracchi, which, though containing nothing of especial importance, alludes to circumstances worth a passing explanation.

TO MR. CERACCHI, AT MUNICH.

PHILADELPHIA, November 14, 1798.

DEAR SIR:

I have received the favor of your letter of May 29, at Munich, and it was not till then that I knew to what place, or through what channel to direct a letter to you. The assurances you received that the monument of the President would be ordered at the new election, were founded in the expectation that he meant then to retire. The turbid affairs of Europe, however, and the intercessions they produced, prevailed on him to act again, though with infinite reluctance. You are sensible that the moment of his retirement, kindling the enthusiasm for his character, the affections for his person, the recollection of his services, would be that in which such a tribute would naturally be resolved on. This, of course, is now put off to the end of the next bi-sextile; but whenever it arrives, your title to the execution is engraved in the minds of those who saw your works here. Your purpose, with respect to my bust, is certainly flattering to me. My family has entered so earnestly into it, that I must gratify them with the hope, and myself with the permission, to make a just indemnification to the author. I shall be happy at all times to hear from you, and to learn that your successes in life are as great as they ought to be. Accept assurances of my sincere respect and esteem.

This disciple, if not rival, of Canova, came to the United States in the hope of being employed to execute a monument commemorative of the Revolution, which Congress, in 1783,

<sup>1</sup> As in Cong. Ed. There are some obvious misprints in this and other sentences, but we cannot correct them with sufficient confidence to venture upon the undertaking.

had determined to erect. Ceracchi, an ardent enthusiast in the cause of liberty, wished to link his fame with an undertaking so peculiarly congenial to his tastes and feelings. He exhibited a model, which contemplated a structure one hundred feet high, sculptured with the deeds of General Washington, with busts and basso-relievos of eminent American Generals and Statesmen, and surmounted with a colossal figure of the Pater Patriæ. The execution of it would require ten years, and the price named was one hundred thousand dollars. The plan was much admired, and the sculptor thus encouraged expended \$25,000 in preparations. He took no less than twenty-seven models of the heads of eminent revolutionary characters, and then "besieged everybody whom he supposed to be influential, and particularly Mr. Madison, with whom he boarded," to urge the necessary appropriation by Congress. The latter candidly informed him "that he doubted whether the thing could be carried through Congress, but it was at the time when the Funding system had made so many suddenly rich, and he advised him to get it done by subscription, and thought it probable Colonel Hamilton could assist him very powerfully." General Washington, Mr. Jefferson, and various others subscribed, and Mr. Madison "thought the thing in a fair way, when Wolcott, aided perhaps by the artist's own impatient and jealous temper, persuaded him that he had been duped, and that what had been done was only to get rid of him—and he left the country in disgust." He, however, renewed his hopes that Congress would order the work, and his efforts to produce such a result, as would appear from the above letter of Mr. Jefferson.<sup>1</sup>

<sup>1</sup> Most of the above facts, and all the quotations, are taken from a manuscript of Mrs. Martha (Jefferson) Randolph, who derived her information from Mr. Madison.

Ceracchi executed in marble colossal busts of Washington and Jefferson, a smaller one of Colonel Hamilton, and a medallion of Mr. Madison. "General Washington was so much displeased," says the manuscript, "that he refused to have anything to say to his." The sculptor felt an unbounded admiration for Mr. Jefferson—lavished his utmost power on his bust—and then desired him to accept it as a present. The last part of the proposition was declined in the courteous manner seen in the text. The price was placed at its full value and paid. This was the magnificent bust afterwards obtained by Congress, and placed in its library and destroyed there by fire in 1851. Mr. Madison's exceedingly fine medallion (worth to our eye all the other likenesses of him extant) is in the possession of James C. McGuire, Esq., of Washington. Hamilton's bust has been familiarized to the public eye by engravings, and is the adopted one in his biography and in his recently published works. None understood better than Ceracchi the art of so idealizing his subject as to make the marble convey to the beholder the loftiest and noblest impression which the original ever conveyed, instead of chiselling a meagre copy of mere physical lineaments, like that engraved bust of Meyer, placed in the first volume of Tucker's Life of Jefferson.

While Jefferson and Madison have been stamped on the memory of posterity as a

It will not, it is believed, illustrate Mr. Jefferson's personal or political history in any new light to follow out step by step, with the considerable degree of detail hitherto employed, his remaining acts and correspondence, while he continued in his present office. A few more important facts only will be mentioned without much attention to their connections.

On the 8th of November, the Secretary of State read, in a Cabinet meeting, several letters from Genet, and on finishing one of them, asked what should be the answer. The President thereupon submitted the question whether it would not be proper to discontinue his functions and order him away. He went at large into the subject, commenting on the consequences of the minister's attempts to array the people, the State governments, and Congress against the Executive. Mr. Jefferson says: "he showed he felt the venom of Genet's pen, but declared he would not choose his insolence should be regarded any further than as might be thought to affect the honor of the country." Hamilton and Knox "readily and zealously argued for dismissing Genet." Randolph "opposed it with firmness and lengthily." The President "replied to him lengthily," but not wishing the question "hastily decided," deferred its further consideration until his return from a journey.'

Mr. Jefferson wrote Mr. Madison on the 17th, that not a case of yellow fever then existed in Philadelphia—"no new infection having taken place since the great rains of the 1st of the month, and those before infected being dead or recovered." And the following remark occurs in relation to the French Minister:

"Genet, by more and more denials of powers to the President, and ascribing them to Congress, is evidently endeavoring to sow tares between them, and at any event to curry favor with the latter, to whom he means to turn his appeal, finding it was not likely to be well received by the people."

couple of plump, placid-looking old gentlemen, it has been Hamilton's (or rather his friends') good fortune, that his lineaments have gone down, ennobled by the genius of Ceracchi: and that solemn and majestic face (which would not have been particularly striking under any ordinary hand) is literally a part of his fame. Let him whose untrained eye cannot conceive the difference between sufficiently correct portraits of the same (physical) man, under such handling, and that of every-day artists, imagine to himself a true likeness of Patrick Henry shouting, "give me liberty or give me death," and a true likeness of Patrick Henry ready to drop into a doze after too hearty a dinner—or Job's war-horse, his neck clothed with thunder, and swallowing the ground with fierceness and rage, and the same animal quietly eating oats in a stable!

For an original letter of poor Ceracchi and some melancholy further details of his closing career, see APPENDIX, No. 11.

See ANN.

On the 18th, the Cabinet discussed the subjects of the communications to be made to Congress at its opening by the President. The first point was an explanation of the proclamation, usually termed the "Proclamation of Neutrality." Randolph read a statement which he had prepared. Hamilton did not like it, asserting that a declaration of neutrality by the President would not bind Congress, yet the former had a right to give his opinion; and he was against any explanation which should concede that the President did not intend that foreign nations should "consider it as a declaration of neutrality future as well as present"—that he [Hamilton] "understood it as meant to give them that sort of assurance and satisfaction; and to say otherwise now, would be a deception on them." He was for the President's "using such expressions as would neither affirm his right to make such a declaration, nor yield it."<sup>1</sup> Jefferson and Randolph opposed the President's right to declare anything *future* to the effect there should or should not be war; and asserted that no such thing was at the time intended.<sup>2</sup> And they further took the unanswerable ground that a proclamation of *neutrality* would have been, in effect, a determination in advance, on the sole responsibility of the President, that our guaranty in our treaty with France, of her West Indian possessions, should in no case be acted on. This would give the President power to disregard, or entirely set aside, treaties at will. Randolph said he meant that foreign nations should understand the proclamation "as an intimation of the President's opinion that neutrality would be our interest." Jefferson declared *he* intended foreign nations "should understand no such thing; that on the contrary he would have chosen them to be doubtful, and to come and bid for our neutrality." He admitted that the President might proclaim anything necessary to preserve peace till the meeting of Congress. Thereupon:

"The President declared he never had an idea that he could bind Congress against declaring war, or that anything contained in his proclamation could look beyond the first day of their meeting. His main view was to keep our people in peace; he apologized for the use of the term neutrality in his answers, and justified it, by having submitted the first of them (that to the merchants, wherein it was

<sup>1</sup> The quotations from Hamilton's remarks on this occasion are from Jefferson's *Ann.* Nov. 18th. The Draft of the President's Speech, on this topic, which Hamilton prepared, will be found in his *Works*, vol. iv. p. 486.

<sup>2</sup> See ante, p. 133.

used) to our consideration, and we had not objected to the term. He concluded in the end, that Colonel Hamilton should prepare a paragraph on this subject for the speech, and it should then be considered."<sup>1</sup>

The Cabinet adjourned for dinner, and on their reassembling, the President himself reopened the discussion in regard to Genet, by proposing to send him out of the country. Jefferson thus continues the details of a remarkable debate:

"I opposed it on these topics. France, the only nation on earth sincerely our friend. The measure so harsh a one, that no precedent is produced where it has not been followed by war. Our messenger has now been gone eighty-four days; consequently, we may hourly expect the return, and to be relieved by their revocation of him. Were it now resolved on, it would be eight or ten days before the matter on which the order should be founded, could be selected, arranged, discussed, and forwarded. This would bring us within four or five days of the meeting of Congress. Would it not be better to wait and see how the pulse of that body, new as it is, would beat? They are with us now, probably, but such a step as this may carry many over to Genet's side. Genet will not obey the order, etc., etc. The President asked me what I would do if Genet sent the accusation to us to be communicated to Congress, as he threatened in the letter to Moultrie? I said I would not send it to Congress; but either put it in the newspapers, or send it back to him to be published if he pleased. Other questions and answers were put and returned in a quicker altercation than I ever before saw the President use. Hamilton was for the *renvoi*; spoke much of the dignity of the nation; that they were now to form their character; that our conduct now would tempt or deter other foreign ministers from treating us in the same manner; touched on the President's personal feelings; did not believe France would make it a cause of war; if she did, we ought to do what was right, and meet the consequences, etc. Knox on the same side, and said he thought it very possible Mr. Genet would either declare us a department of France, or levy troops here and endeavor to reduce us to obedience. Randolph of my opinion, and argued chiefly on the resurrection of popularity to Genet, which might be produced by this measure. That at present he was dead in the public opinion, if we would but leave him so. The President lamented there was not unanimity among us; that as it was, we had left him exactly where we found him; and so it ended."

Probably no reflecting man will now doubt that, on all accounts, it was most fortunately permitted so to end. Genet was in due time recalled in disgrace by his own nation.\* His

<sup>1</sup> Ana, Nov. 18th.

\* On the 8th day of October, Mr. Morris received and instantly communicated to M. Defourges, the French Minister of Foreign Affairs, the dispatches of the United States Government, asking the recall of Genet. On the 10th, the French Minister replied:

"I shall give the Council an account of the punishable conduct of their agent in the United States, and I can assure you, beforehand, that they will regard the strange abuse of their confidence by this agent, as I do, with the liveliest indignation. The President of the United States has done justice to our sentiments, in attributing the deviations of the citizen Genet to causes entirely foreign from his instructions; and we hope that the measures, which are to be taken, will more and more convince the head and the members of your Government, that so far from having authorized the proceedings and criminal



expulsion, if it did not produce the precise effect predicted by Randolph, might have produced a far more formidable one.

The reflecting men of all parties felt that Genet's presumptuous and most offensively managed attempt to measure his power, weight, and popularity against the President's had justly consigned him to the indignation of the Government and people. They expected and desired that his recall be demanded. But a vast majority of the American people still regarded France with deep partiality as a friendly and a republican power. On the other hand, they did not regard as a friendly power one whose morning and evening guns daily roared sullen defiance from as many as eight fortresses forcibly held within the conceded boundaries of the United States—which had every year since the treaty of peace impressed seamen at pleasure from American vessels—which was now, while conceding the alacrity with which we had recently met its demands in our construction of, and action under, our neutrality laws, framing and persisting in measures to drive our commerce from the ocean. When it should further become known that England's Minister had hardly brought a conciliatory word to our Government—that he had even neglected to answer its repeated calls for information—that he had, on several occasions, exhibited all the arrogance of tone which he could do short of insult; when the news should arrive that still another hostile order in council against our commerce was set in operation—would the public impression of Great Britain's friendship be likely to be increased?

manœuvres of citizen Genet, our only aim has been to maintain between the two nations the most perfect harmony."—*Life and Writings of Gouverneur Morris*, vol. ii. p. 358.

Very soon afterwards, M. Defourges informed Mr. Morris that Genet should be "punished"—that three or four Commissioners would, as soon as some embarrassments in regard to the appointment of one of them could be settled, proceed at once to the United States, and send Genet home a "prisoner."—*Ib.* vol. ii. p. 371.

On the 12th of November, Mr. Morris wrote the President that the Commission was appointed consisting of M. Fauchet, to act as Minister, and three other persons whom he named. He speaks of two of them, whom he knows, very favorably; and has no doubt that France has the most sincere desire to be on the most cordial terms with us.—*Ib.* vol. ii. p. 377.

A new phase in affairs at the French capital delayed these measures. Fauchet reached the United States in February, 1794, bringing assurances that his Government entirely disapproved of the conduct of Genet. He applied to the President for leave to arrest Genet, to send him a prisoner to France, which was denied. He asked, on behalf of the Republic of France, the recall of Gouverneur Morris. This was conceded, and the President sent Colonel Monroe to fill his place.

Genet did not, of course, choose to voluntarily return to France. He married a daughter of Governor George Clinton, of New York, and settled permanently near Albany, in that State. After the death of his first wife, he married a daughter of Samuel Osgood, the first Postmaster-General of the United States under the Constitution. Genet subsided into a useful and public-spirited American citizen, and was widely respected. He died in 1834.

When, on the other hand, it should be known that France had relieved us from our West India guaranty—put our commerce on the footing of her own<sup>1</sup>—not only recalled her offending Minister at the first intimation, but ordered him to be brought home a close prisoner and put on trial for his life—there could be little likelihood that the popular feeling for that country would be diminished either by the facts or the contrast.

Had, at such a moment, the spectacle been presented of our own Government, very modestly and undisturbedly “urging” England to do us justice, while we were (as nations view such things) defying France by expelling its Minister before asking his recall—expelling him, too, under circumstances offering a *casus belli* on the very eve of the meeting of Congress—can there be much doubt that a reactionary feeling would have been roused on the side of France which nothing could have withstood?

When Congress met, we shall see that without this provocation, it was with the utmost difficulty that this body could be prevented from entering upon such retaliatory measures towards England as would have provoked instant war with that power. Another drop in the cup of national feeling would have caused an overflow.

General Washington could have expressed but very transient feelings on this subject. He was not outnumbered in the Cabinet on the question. Half of its members were eager for the step and its consequences. It required but his casting vote or voice to decide in favor of the *renvoi* according to the usual forms of Cabinet proceeding. Had the President entertained a fixed opinion that the honor of the country required such a step, is there anything in his history to lead us to suppose he would have hesitated to take as much moral responsibility in the decision as he asked each of his subordinates to take?

On the 21st of November the Cabinet met to compare drafts which it had been arranged should be prepared by Randolph and Hamilton, of the manner of explaining to Congress the intentions of the President's proclamation.\* Randolph's draft assumed that its intention was to keep our citizens

<sup>1</sup> We ought to say, however, that the retaliatory decree against neutrals, from which our ships were originally excepted, was extended indiscriminately to all before the meeting of Congress.

\* See Ann of this date.

quiet, and to intimate to foreign nations that it was the President's opinion that the interests and dispositions of this country were for peace. Hamilton's said nothing which "could be laid hold of for any purpose," leaving the proclamation to explain itself. In his argument in the Cabinet, he took as high ground as on the 18th. Jefferson declared for Randolph's draft, though it gave the proclamation "more objects than he had contemplated." Knox supported Hamilton's:

"The President said he had had but one object, the keeping our people quiet till Congress should meet; that, nevertheless, to declare he did not mean a declaration of neutrality, in the technical sense of the phrase, might perhaps be crying *peccavi* before he was charged. However, he did not decide between the two drafts."

He finally rejected both, and adopted one more nearly conforming to Mr. Jefferson's views than even that presented by Randolph.<sup>1</sup>

Another Cabinet consultation was held on the 23d. Hamilton was prevented from attending by illness.<sup>2</sup> The heads of the speech, as submitted by the different members,<sup>3</sup> were further discussed. The proposition, from Hamilton's draft, to recommend Congress to fortify the principal sea-ports first came up. Knox was for, and Jefferson and Randolph were against it. The President doubted the expediency of Congress entering upon such an undertaking. It was amended, therefore, by substituting a proposition "to adopt means for enforcing respect to the jurisdiction of the United States within its waters."<sup>4</sup> The next topic, taken from the President's draft, was the recommendation of a military academy. Knox was for it. Jefferson objected "that none of the specified powers given by the Constitution to Congress would authorize this." Randolph ex-

<sup>1</sup> The following is from his speech delivered at the opening of Congress.

"As soon as the war in Europe had embraced those powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequence of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing state of things, an easier admission of our rights to the immunities belonging to our situation. Under these impressions, the proclamation which will be laid before you was issued."

<sup>2</sup> Hamilton to Washington, Hamilton's Works, vol. iv. p. 439.

<sup>3</sup> The President, Hamilton and Randolph prepared drafts of heads of the subjects which they considered it expedient to lay before Congress in the opening speech of the President, or in his subsequent messages. They will be found brought together in Hamilton's Works, vol. iv. pp. 482-485.

<sup>4</sup> We quote from the *Ans* of same date.

pressed no opinion. The President thought it would be a good thing, but did not wish "to bring on anything which might generate heat and ill humor."

The Cabinet met on the 28th, to consider the draft of the President's speech prepared by Randolph. A clause recommending a military academy was inserted. Jefferson again opposed it. Hamilton and Knox approved it without discussion. Randolph defended it on the ground that the words of the Constitution which authorized Congress to lay taxes, etc., "for the common defence," might include it. The President declared he would not choose to recommend anything against the Constitution, but if it was doubtful, he was so convinced of the necessity of this measure, that he would place the question before Congress, and leave them to decide whether it was constitutional or not.<sup>1</sup>

After dinner, Mr. Jefferson produced drafts of messages on the subject of France and England—proposing that the one relative to Spain should be subsequent and secret.<sup>2</sup> The characteristic debate which ensued is thus described in the *Ana* :

"Hamilton objected to the draft *in toto*; said that the contrast drawn between the conduct of France and England amounted to a declaration of war; he denied that France had ever done us favors; that it was mean for a nation to acknowledge favors; that the dispositions of the people of this country towards France, he considered as a serious calamity; that the Executive ought not, by an echo of this language, to nourish that disposition in the people; that the offers in commerce made us by France, were the offspring of the moment, of circumstances which would not last, and it was wrong to receive as permanent, things merely temporary; that he could demonstrate that Great Britain showed us more favors than France. In complaisance to him I whittled down the expressions without opposition; struck out that of 'favors antient and recent' from France; softened some terms, and omitted some sentiments respecting Great Britain. He still was against the whole, but insisted that, at any rate, it should be a secret communication, because the matters it stated were still depending. These were, 1. The inexecution of the treaty; 2. The restraining our commerce to their own ports and those of their friends. Knox joined Hamilton in everything. Randolph was for the communications; that the documents respecting the first should be given in as public; but that those respecting the second should not be given to the Legislature at all, but kept secret. I began to tremble now for the whole, lest all should be kept secret. I urged, especially, the duty now incumbent on the President, to lay before the Legislature and the public what had passed on the inexecution of the treaty, since Mr. Hammond's answer of this month might be considered as the last

<sup>1</sup> *Ana*, Nov. 28th.

<sup>2</sup> This shows that an agreement on the 23d, mentioned by Jefferson in *Ana*, that Randolph draw the Speech and Messages, did not include all of the latter.

we should ever have; that, therefore, it could no longer be considered as a negotiation pending. I urged that the documents respecting the stopping our corn ought also to go, but insisted that if it should be thought better to withhold them, the restrictions should not go to those respecting the treaty; that neither of these subjects was more in a state of *pendency* than the recall of Mr. Genet, on which, nevertheless, no scruples had been expressed. The President took up the subject with more vehemence than I have seen him show, and decided without reserve, that not only what had passed on the inexecution of the treaty should go in as public (in which Hamilton and Knox had divided in opinion from Randolph and myself), but also that those respecting the stopping our corn should go in as public (wherein, Hamilton, Knox, and Randolph had been against me). This was the first instance I had seen of his deciding on the opinion of one against that of three others, which proved his own to have been very strong."

On the 2d of December, the Secretary of State sent the President a fair copy of his draft of the message respecting France and Great Britain, with the amendments embodied, and a written argument against making that in regard to Great Britain confidentially to Congress, as urged by the Secretaries of the Treasury and War. His views on this subject, and that the one in regard to Spain should be secret, were acted upon by the President; and his drafts of the messages—after the unimportant "whittling down" of that in regard to England, already mentioned, were adopted and submitted to Congress.

This is almost the only instance, so far as we recollect, in which Jefferson has left any record of his drafting papers which were to go before the public as the President's own, and signed by his name. We take it for granted that more of this class of papers were prepared for the President by Randolph and Hamilton, and especially by the latter, than by Jefferson. There were two or three reasons for this. Hamilton had almost from his boyhood acted as a draftsman of papers for General Washington. He and Randolph had but little of this kind of labor to do in their official departments, so far as important State papers were concerned, at least little compared with that which devolved upon the Secretary of State. And, lastly, the "assumed American primate" (as Judge Pendleton termed Hamilton) probably was as fond of being employed in this capacity, as he was of giving his aid in every other department of the Government. On all great leading questions of foreign policy, he had been constantly under the necessity of enduring the ascendancy of Jefferson, and it is not unlikely that some counterbalancing evidences of trust and confidence were considered necessary.

It would not, in our judgment, seriously detract from General Washington's reputation, were it conclusively shown that all his papers were rough-drafted, or even completed, by other pens. That ablest monarch, perhaps, who had sat on the throne of England for ages, and who actually and personally controlled its entire general policy, Queen Elizabeth, left drafting to Cecil and Walsingham and other instruments. We doubt whether her equal in statesmanship, the mighty Protector, would not have preferred again heading the cavalry charge at Marston Moor, to attempting an elaborate State paper. We fancy William III. decided on the contents of fifty dispatches where he wrote one. But if, instead of coming down from the period of Elizabeth, we should go backwards, we should soon reach statesmen, under whose resounding tread empires shook, who could not write their own names. Shaven monks, or secretaries who had scarcely looked out of closets, were generally their draftsmen, and put their thoughts on parchment. Which suffered the shame? Which deserved the credit?

But the modern world, in which the ruler is also educated to the duties of a secretary, does not view the subject in exactly this light. There are writings of routine, and others which by custom are expected to emanate from all the members of a cabinet, and which may, therefore, come indifferently from the pen of either. But in regard to papers of a more personal character, even though they come officially or semi-officially before the public, and in regard to all purely personal papers, it would unquestionably be considered as enhancing any statesman's or other individual's fame that he was the direct author of the really great written productions bearing his name. For example, it would be felt more creditable to General Washington that he substantially wrote or dictated his "Farewell Address," than to suppose that celebrated production was thought out and written out by another man for his use.

Consequently, it is a matter of considerable delicacy for the real author to come forward and reclaim any such production which bears the signature of another man. He who is perfectly qualified to write for himself, may be hurried, may be ill, may (in regard to official papers) wish to reserve his judgment for that unbiased decision, which is best reached, oftentimes, by

seeing how the thing will look completed—without becoming previously warped, or warmed, into favoring any set of views, or manner of treatment, by originating them or writing them out. Under these and various other circumstances, which will readily suggest themselves to reflecting men, a man borne down with weighty responsibilities, and without vanity of authorship, would be likely to call in the aid of other competent pens, if personal or official circumstances entitled him to command them. In private life, there are few who wield ready and vigorous pens who have not had their services thus taxed by friends, or by associates.

What rule does good sense and delicacy impose, in regard to the actual author's claiming any productions, which another has fathered—taken the responsibility of—and perhaps, in fact, originally suggested in all the material substance? We think the well settled rule, among gentlemen, is that the publication of the authorship shall depend entirely upon the will of the *ostensible* author. If he chooses to make the real authorship known, he certainly may; if he omits to do so by any declaration or memoranda (whether his object be merely to avoid unnecessary explanations, unfounded inferences, or to consult any other motive whatsoever) it is to be presumed he does not choose to have it known. It is not necessary that he place any obligation of personal secrecy on the real writer, because the commonest delicacy among gentlemen, by universal consent, imposes that obligation. Nay, among men of any breeding, to make such a requirement would be to imply a suspicion verging on an insult.

Do public papers stand on any different footing? Would the omission of the ostensible author to ask his amanuensis or secretary to destroy the original draft, authorize the latter to carefully preserve it, so that some day or other it should turn up to claim (and perhaps really most falsely claim) the merit of the authorship on the strength of the handwriting or the drafting? There can be no shadow of pretence that one man's having thus privately assisted another in preparing either a public or private paper, is a historical fact which the world is entitled to know at some future day, and which, therefore, authorizes the party rendering the assistance to store away proofs of it for the next generation. We make bold to say there is not a more abominable doctrine, base in object and scandalous

in consequence—than that death snaps one bond of personal and private confidence. If we have not a right to “kiss and tell” with the living, we have not a right, merely to gratify vanity, to utter over the grave what would have shamed or pained the living. We might expect that such a thing as an occasional draft of papers prepared for another would accidentally get mingled with the manuscripts of the drafter, and thus, without his intention, descend to his posterity. But if long and unbroken files were found, ranging from mere scraps up to elaborate addresses, we should be apt to suspect it evinced a particular and unmistakable purpose.

It is not presumed that Mr. Jefferson prepared many papers of any kind for General Washington’s signature, for the reasons already stated. But we have sufficiently explained why, at all events, no “drafts” of his are preserved of any of the President’s official papers which are not by common custom parcelled out among the heads of departments. We think we have in view upwards of twenty instances where Mr. Jefferson drafted—wrote out—important, in several instances celebrated, papers for other men. Some of those instances are not doubted among those who ought to know the truth. We never have heard of a draft of one of them among Jefferson’s manuscripts; never have found a remote allusion to their authorship in his most confidential writings; never have traced an oral claim to him of this kind among those who lived for years under the same roof.

Congress met December 2d. The violences of Genet, Du Plaine, etc., and especially the seeming appeal of the former to the people against the Government, had produced a ferment in the public mind which operated unfavorably towards the Republicans, and carried over to the Federalists some members of Congress who were not elected as such. Notwithstanding this, Frederick A. Muhlenburg, the Republican candidate for Speaker of the House of Representatives, was elected by a majority of ten over Theodore Sedgwick, his Federal competitor.

It is worthy of passing remark that the representation of the State which was the residence of the President and Secretary of State, was decidedly Republican. The Federal leader in the Cabinet had not been so fortunate at home. We omitted to mention, also, that at the late Presidential election every elector



from both Virginia and New York voted against the Federal candidate for the Vice-Presidency.

The President sent the messages to Congress in regard to France and England, prepared as we have seen, on the 2d of December, and the confidential one, containing the diplomatic correspondence with Spain, on the 16th.

On the latter named day, the Secretary of State made a report to the House of Representatives, entitled a "Report on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries," made in pursuance of a resolution of the House, February 23d, 1791. He stated that "it was put into its present form in time to have been given in to the last session of Congress," but why not so given, is not mentioned.

Our imports from Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions—the tonnage of our vessels entering our ports from those nations—our commercial articles received in return by them—and the terms on which they respectively put our commerce—were succinctly stated. He then inquired how the restrictions on our commerce and navigation might be best removed, modified, or counteracted? After stating this might be done by friendly arrangements with the several nations, or "by the separate acts of our own Legislatures for countervailing their effects," he pronounced the first resort by far the most eligible one. He said :

"Instead of embarrassing commerce under piles of regulating laws, duties and prohibitions, could it be relieved of all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

"Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified in that particular, by mutual and equivalent measures, preserving it entire in all others."

But where nations refused a liberal reciprocity, the following alternative was suggested :

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them."

Five rules were proposed to carry out the principle of retaliation, where it became necessary.

It was asserted that the establishment of some of the principles by Great Britain for which these rules were proposed as retaliations had already lost to the United States, in their commerce with that country and its possessions, "between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials;" that this involved a proportionate loss of seamen, shipwrights, and ship-building; and "was too serious a loss to admit forbearance of some effectual remedy." He subsequently said:

"Proposals of friendly arrangement have been made on our part, by the present Government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and a better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with."

And the following paragraph characterized our commercial relations with France:

"France has, of her own accord, proposed negotiations for improving by a new treaty on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition."

This report furnished its author a legitimate opportunity to utter some views in regard to a class of our foreign relations, where he was not compelled to suffer the "whittling down" of "two and a half" of his Cabinet colleagues; and like a warrior about to leave the field, he seemed disposed to give his foes, and the foes of his cause, a parting salutation to be remembered. The javelin went to the centre of the mark. There was no apparent elaboration about this paper, but it had the success, peculiar to so many of Mr. Jefferson's writings, and which constitutes the most decisive test of his greatness. It henceforth became the text, nay, the chart of a great party. Perhaps

others had pressed the same views before, in part or in whole ;<sup>1</sup> Mr. Jefferson himself certainly had pressed them in private long before ; but it establishes rather than detracts from our impressions of that singular influence which he seems, spontaneously, to have exerted over the minds of men, that previously enounced ideas came with the force of something as original and striking as true, when they dropped from his lips.

No better proof of apostolical mission is to be found than that moral maxims older than Socrates and Confucius, as old as the first created man, could be proclaimed, in their naked simplicity, with a power which not only shook rulers on the judgment-seat, but which penetrated with controlling efficacy to the heart's core of great bodies of mankind, either changing established currents of thought, or giving them the new authority of divine enactments. We would be guilty of no irreverence in comparing the things of this world to those of a holier one—but occasionally in the ages there come men who, if not clothed with the same authority (which no one pretends), appeal with a corresponding effect to the convictions of men while laying down maxims for the guidance of important temporal concerns. Minds that would resist or fail to heed the clearest deductions of logic—hearts that no eloquence would permanently move—in common with those susceptible of nobler impressions—hear and obey, where neither piercing logic nor moving words are in the least employed. Far more than any other American political thinker, Jefferson exercised this unexplainable power. And we have brought up this inferior instance purposely to show that his power was not limited to stately generalizations—to great democratical truths falling on a soil craving such seed—but even to the commoner things of business and every day expediency. When Jefferson's report, which we have under view, went to its destination, a chart of the future action of the Republican party was laid down. Come what intervening storms there might, the vessel was bound on her course, with no alternatives but to go down or reach the prescribed port !

Jefferson's last political act of importance, in the Cabinet of General Washington, was to make a communication to Genet on the 31st of December. The Minister had sent copies of his instructions to the President, with the impudent intimation that

<sup>1</sup> Madison had in Congress, but we think they originated with Jefferson.

he desired the latter to lay them before Congress. The Secretary of State, among other things, replied :

"I have it in charge to observe, that your functions, as the missionary of a foreign nation here, are confined to the transactions of the affairs of your nation with the Executive of the United States; that the communications, which are to pass between the Executive and Legislative branches, cannot be a subject for your interference, and that the President must be left to judge for himself what matters his duty or the public good may require him to propose to the deliberations of Congress. I have, therefore, the honor of returning you the copies sent for distribution, and of being, with great respect, sir, your most obedient, and most humble servant."

On the 21st of December the President made an effort to induce Mr. Jefferson again, for the third or fourth time, to postpone his resignation, but without effect.<sup>1</sup> On the same day that the above letter to Genet was written (December 31st), according to the arrangement entered into some months before with the President, Mr. Jefferson sent in his resignation, couched in the following words :

PHILADELPHIA, Dec. 31, 1793.

DEAR SIR :

Having had the honor of communicating to you in my letter of the last of July, my purpose of retiring from the office of Secretary of State, at the end of the month of September, you were pleased, for particular reasons, to wish its postponement to the close of the year. That term being now arrived, and my propensities to retirement becoming daily more and more irresistible, I now take the liberty of resigning the office into your hands. Be pleased to accept with it my sincere thanks for all the indulgences which you have been so good as to exercise towards me in the discharge of its duties. Conscious that my need of them has been great, I have still ever found them greater, without any other claim on my part, than a firm pursuit of what has appeared to me to be right, and a thorough disdain of all means which were not as open and honorable, as their object was pure. I carry into my retirement a lively sense of your goodness, and shall continue gratefully to remember it. With very sincere prayers for your life, health, and tranquillity, I pray you to accept the homage of the great and constant respect and attachment with which I have the honor to be, dear sir, your most obedient, and most humble servant.

The President made the following feeling and beautiful reply :

PHILADELPHIA, Jan. 1st, 1794.

DEAR SIR :

I yesterday received with sincere regret, your resignation of the office of Secretary of State. Since it has been impossible to prevail upon you to forego any

<sup>1</sup> We think this is nowhere mentioned but in a private letter from Mr. Jefferson to his daughter Martha, of December 22d, given near the close of this chapter.

longer the indulgence of your desire for private life, the event, however anxious I am to avert it, must be submitted to.

But I cannot suffer you to leave your station without assuring you, that the opinion which I had formed of your integrity and talents, and which dictated your original nomination, has been confirmed by the fullest experience; and that both have been eminently displayed in the discharge of your duty.

Let a conviction of my most earnest prayers for your happiness accompany you in your retirement; and while I accept, with the warmest thanks, your solicitude for my welfare, I beg you to believe that I am, dear sir, etc.<sup>1</sup>

On the 5th of January Mr. Jefferson set out for the quiet shades of Monticello. It is not too much to say that he left office with a degree of popularity which it has been the good fortune of few Cabinet officers, officiating in a period so exciting and when party spirit ran so high, ever to carry with them into retirement. When his diplomatic correspondences were communicated to Congress, an expression of hearty approbation burst spontaneously—irrepressibly—from all parties. The pre-ëminent ability of his dispatches—their calm, just tone—their felicity of style—their dignity in expressing the resolve of a young and comparatively weak nation to preserve its honor at the hazard of its existence, without any of that boastfulness which has disfigured so many later American State papers—were then, as among readers now, themes of universal admiration.<sup>2</sup> Towards England, to the surprise of the Federalists, he had preserved a moderation of language which did not disclose a lurking personal antipathy. Against the improper pretensions of France, or those claims from her which it was inexpedient to grant and just to withhold, he had shown unshaken firmness. His view of our duties to that power, under the treaties of 1778,

<sup>1</sup> Washington's Works, vol. x. p. 390.

<sup>2</sup> One of the greatest of his successors in the State Department (Mr. Webster), and one whose political prejudices did not incline him to look with any peculiar partiality on Mr. Jefferson, has said:

"Immediately on his return to his native country, at the organization of the government under the present Constitution, his talents and experience recommended him to President Washington for the first office in his gift. He was placed at the head of the department of State. In this situation, also, he manifested conspicuous ability. His correspondence with the ministers of other powers residing here, and his instructions to our diplomatic agents abroad, are among our ablest State papers. A thorough knowledge of the laws and usages of nations, perfect acquaintance with the immediate subject before him, great felicity, and still greater facility in writing, show themselves in whatever effort his official situation called on him to make. It is believed by competent judges, that the diplomatic intercourse of the Government of the United States, from the first meeting of the Continental Congress in 1774 to the present time, taken together, would not suffer, in respect to the talent with which it has been conducted, by comparison with anything which other and older States can produce; and to the attainment of this respectability and distinction, Mr. Jefferson has contributed his full part."

To prevent imputations on Mr. Webster's delicacy, it is to be remembered these words were written before he himself became Secretary of State.

had precisely accorded with General Washington's. He had manfully resisted the insolence of the Minister of France, without stooping on one side to that petty and angular style of altercation (soon to be introduced'), or, on the other, making a rebuke to the agent cover an insult to his country. In short, beyond a few furious partisans, in either extreme, Congress received his dispatches with acclamations—and these were redoubled, and burst from the whole people, as the papers were made public.

Judge Marshall, a successor in the department, says :

"This gentleman withdrew from political station at a moment when he stood particularly high in the esteem of his countrymen. His determined opposition to the financial schemes which had been proposed by the Secretary of the Treasury, and approved by the Legislative and Executive departments of the Government; his ardent and undisguised attachment to the Revolutionary party in France; the dispositions which he was declared to possess in regard to Great Britain; and the popularity of his opinions respecting the Constitution of the United States; had devoted to him that immense party whose sentiments were supposed to comport with his, on most, or all of these interesting subjects. To the opposite party he had, of course, become particularly unacceptable. But the publication of his correspondence with Mr. Genet dissipated much of the prejudice which had been excited against him. He had, in that correspondence, maintained with great ability the opinions embraced by the Federalists on those points of difference which had arisen between the two republics; and which, having become universally the subjects of discussion, had in some measure displaced those topics on which parties were previously divided. The partiality for France that was conspicuous through the whole of it, detracted nothing from its merit in the opinion of the friends of the administration, because, however decided their determination to support their own Government in a controversy with any nation whatever, they felt all the partialities for that republic which the correspondence expressed. The hostility of his enemies, therefore, was, for a time, considerably lessened, without a corresponding diminution of the attachment of his friends. It would have been impracticable, in office, long to preserve these dispositions. And it would have been difficult to maintain that ascendancy which he held over the minds of those who had supported, and probably would continue to support, every pretension of the French republic, without departing from principles and measures which he had openly and ably defended."—*Life of Washington*, vol. ii., p. 298.

These suggestions as to the fortunateness (to himself) of the time which Mr. Jefferson selected for his retirement have been, with great injustice to the author, construed by not a few into an intimation that Mr. Jefferson selected this occasion because it was a fortunate one.\* The language does not fairly admit of this construction. It was immediately prefaced, too.

\* By Mr. Pickering.

\* But later writers have not only intimated, but substantially declared this.

by a statement that Mr. Jefferson had, "in the preceding summer," "signified to the President his intention to retire, in September, from the public service, and had, with some reluctance, consented to postpone the execution of this intention to the close of the year." Of course, Judge Marshall did not intend absurdly to intimate that in fixing this time, so long in advance, Mr. Jefferson had superhuman knowledge of the precise state and point of progress in which it would find our public affairs.

The supposition advanced, that it would have been impracticable for Jefferson long to preserve the favorable dispositions of all sides, may, or may not be true. If we concede the former, we concede nothing which weighs against his character or statesmanship. He now alone, of the subordinate members of the Cabinet, enjoyed that general favor; and it is certain that he lived to emerge from more serious difficulties with popularity unbroken. He had not blenched from the side of the President at the most critical moment to his own popularity which had ever occurred; and he encountered the danger voluntarily, or at least to gratify his superior, for he had a perfectly good excuse to retire in an arrangement long previously fixed. When he consented to relinquish that arrangement, he did so with his eyes open to the fact that a diplomatic rupture was imminent with the representative of that country which had all the partialities of his own political friends—and that he would be called upon, by his position, to conduct the controversy against that representative. And, finally, when he retired, this danger seemed to be over—the controversy substantially disposed of. If, then, the time of his retirement was a fortunate one, his own dangers and labors had contributed their full share to render it so.

It has been a favorite theory with detractors that he retired because he found his influence waning in the Cabinet;<sup>1</sup> in other words, because the President was losing confidence in him. Were this so, General Washington's repeated importunities to him to remain—repeated but nine days before his resignation took effect, and the language of his parting letter, would not seem to be altogether reconcilable with the high sincerity which ever marked Washington's character. He would not have desired his stay, if Jefferson had lost his confidence;

<sup>1</sup> See, for example, *Life of John Adams*, by his grandson.

he could not have solicited it, if he did not desire it. And we find nothing in the history of the Cabinet to sustain such a theory; on the contrary we find Jefferson voted down and his opinion acted against, far fewer times than happened in the case of any other member. We do not discover a solitary instance, from first to last, where Washington proceeded against his advice on a great leading question of foreign policy.

Contemporaneously with the events described in this chapter Mr. Jefferson made entries in his *Ana*, in regard to some of the forms and ceremonies practised about the Presidential mansion, which have excited discussion, and in some instances contradiction. We have not chosen to break in upon a narration, already sufficiently disconnected by the nature of its topics, with this extraneous matter. For some information on the subject, the reader is referred to the Appendix.<sup>1</sup>

Maria Jefferson did not return with her father to the capital after his last preceding visit home in September. We therefore find her name recurring in the subjoined correspondence:

TO MARIA JEFFERSON.

GERMANTOWN, Nov. 17th, 1793.

No letter yet from my dear Maria, who is so fond of writing, so punctual in her correspondence. I enjoin as a penalty that the next be written in French. Now for news. The fever is entirely vanished from Philadelphia: not a single person has taken infection since the great rains about the 1st of the month. And those who had it before are either dead or recovered. All the inhabitants who had fled are returning into the city, probably will all be returned in the course of the ensuing week. The President has been into the city, but will probably remain here till the meeting of Congress to form a point of union for them before they will have had time to gather knowledge and courage.

I have not yet been in, not because there is a shadow of danger, but because I am afoot. Thomas is returned into my service. His wife and child went into town the day we left them. They then had the infection of the yellow fever, were taken two or three days after, and both died. Had we stayed those two or three days longer, they would have been taken at our house. I have heard nothing of Miss Cropper. Her trunk remains at our house. Mrs. Fullarton left Philadelphia. Mr. and Mrs. Rittenhouse remained there, but have escaped the fever. Follow closely your music, reading, sewing, housekeeping, and love me as I do you, most affectionately.

TH. JEFFERSON.

P. S.—Tell Mr. Randolph that Gen. Wayne has had a convoy of twenty-two wagons of provisions and seventy men cut off in his rear by the Indians.

<sup>1</sup> See APPENDIX, No. 12.



## TO MARIA JEFFERSON.

PHILADELPHIA, Dec. 1844, 1798.

MY DEAR MARIA :

I should have written to you the last Sunday in turn, but business required my allotting your turn to Mr. Randolph, and putting off writing to you till this day. I have now received yours and your sister's letters of November 27 and 28. I agree that Watson shall make the writing-desk for you. I called the other day on Mrs. Fullarton and there saw your friend Sally Cropper. She went up to Trenton the morning after she left us, and stayed there till lately. The maid-servant who waited on her and you at our house, caught the fever on her return to town and died. In my letter of last week, I desired Mr. Randolph to send horses for me to be at Fredericksburg on the 12th of January. Lest that letter should miscarry, I repeat it here, and wish you to mention it to him. I also informed him that a person of the name of Eli Alexander would set out this day from Elktown to take charge of the plantations under Byrd Rogers, and praying him to have his accommodations at the place got ready as far as should be necessary before my arrival. I hope to be with you all about the 15th of January, no more to leave you. My blessings to your dear sister and little ones; affections to Mr. Randolph and your friends with you. Adieu, my dear,

Yours tenderly,  
TH. JEFFERSON.

## TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

"PHILADELPHIA, Dec. 22d, 1798.—In my letter of this day fortnight to Mr. Randolph, and that of this day week to Maria, I mentioned my wish that my horses might meet me at Fredericksburg on the 12th of January. I now repeat it, lest those letters should miscarry. The President made yesterday, what I hope will be the last set at me to continue; but in this I am now immovable by any considerations whatever. My books and remains of furniture embark to-morrow for Richmond. [Domestic details.] I hope that by the next post I shall be able to send Mr. Randolph a printed copy of our correspondence with Mr. Genet and Mr. Hammond, as communicated to Congress. Our affairs with England and Spain have a turbid appearance. The letting loose the Algerines on us, which has been contrived by England, has produced peculiar irritation. I think Congress will indemnify themselves by high duties on all articles of British importation. If this should produce war, though not wished for, it seems not to be feared."

The publication of the following letter has been left to our discretion, and, we believe, we exercise a sound discretion in presenting it, as an illustration of the writer's genuine kindness of heart, and of that quiet firmness with which he always asserted his independence of personal and social action, and taught the same lesson to his family. The letter was written while he was Secretary of State. It sufficiently explains itself.

By omitting all other dates and names, we trust we shall avoid awakening unpleasant recollections in any quarter.

TO MARTHA JEFFERSON RANDOLPH.

MY DEAR MARTHA :

I am now very long without a letter from Monticello, which is always a circumstance of anxiety to me. I wish I could say that Maria was quite well. I think her better for this week past, having for that time been free from the little fevers which had harassed her nightly.

A paper which I some time ago saw in the \* \* \* \* \* under the signature of \* \* \* \* \* proved to me the existence of a rumor which I had otherwise heard of with less certainty. It has given me great uneasiness, because I knew that it must have made so many others unhappy, and among these Mr. Randolph and yourself.

Whatever the case may be, the world is become too rational to extend to one person the acts of another. Every one at present stands on the merit or demerit of their own conduct. I am in hopes, therefore, that neither of you feel any uneasiness but for the pitiable victim, whether it be of error or of slander. In either case I see guilt in but one person, and not in her. For her it is the moment of trying the affection of her friends, when their commiseration and comfort become value to her wounds. I hope you will deal them out to her in full measure, regardless of what the trifling or malignant may think or say. Never throw off the best affections of nature in the moment when they become most precious to their object; nor fear to extend your hand to save another, lest you should sink yourself. You are on firm ground: your kindness will help her, and count in your own favor also. I shall be made very happy if you are the instruments not only of supporting the spirits of your afflicted friend under the weight bearing on them, but of preserving her in the peace and love of her friends. I hope you have already taken this resolution, if it were necessary. I have no doubt you have. Yet I wish it too much to omit mentioning it to you. I am, with sincere love to Mr. Randolph and yourself, my dear Martha,

Yours affectionately,  
TH. JEFFERSON.

## CHAPTER V.

1794—1795.

Jefferson's Return to Private Life—His Health, etc.—His Family—Maria Jefferson—Martha (Jefferson) Randolph—Thomas Mann Randolph—Jefferson's Ideal of Retirement—A Flash of the old Spirit—Threatened War with England—Proceedings in Congress—Jay sent Minister to England—Chasm in Jefferson's Correspondence—His avowed desire for Permanent Retirement—Was he sincere in these Avowals?—Mania for Office not yet introduced—The first Offices "went a begging"—Jefferson's Private Pursuits—His Land-roll in 1794—Farm Census—Exhausted Soils and Beggary Account of Empty Bins—Farm Operations of 1794—Pennsylvania Insurrection—The Government Measures, how regarded by the two Parties—Republican View of Hamilton's Conduct—Washington invites Jefferson to return to the Cabinet—Did Washington willingly abandon a Balance of Parties in his Cabinet?—Bradford's Political Attitude—Politics of Others who were offered Seats in the Cabinet—Madison's Course considered—Had the Republicans a Good Excuse for Non-Acceptance?—Reasons rendered by John Adams—His own Peculiar Situation at the Time—Hamilton's Influence—A Different Theory offered—The President's Objects in instituting Jay's Mission—The Selection of Jay unfortunate—Bad Republican Tactics—The President forced from his Neutrality—Jefferson's Views—Session of Congress 1794-5—Sharp Contest on Denunciation of Democratic Societies—Jefferson's Strictures—His Refusal to be a Presidential Candidate—Hamilton's Resignation—Jefferson to D'Ivernois—Madison's Letter to Jefferson on his refusal to be a Presidential Candidate—Jefferson repeats his Refusal—Jay's Treaty received and approved by Senate—Jay's, Hamilton's and Washington's Recorded Disapprobation of it—Renewal of Orders in Council pending its Ratification—Impressments—British attempt to seize French Ambassador in United States—Washington's Expressions of Indignation at these Outrages—Hamilton declares Ratification now disreputable—John Adams's View of English Feelings towards America—Different Mettle of the Cabinet—Wolcott's Remarkable Reasons for Ratification—Washington's Proceedings in the Affair—The Treaty ratified—Had Fauchet's intercepted Dispatches any Influence?—Public Explosion on the Publication of the Treaty—Meetings on the Subject and the Actors in them—Jefferson's Strictures on Jay—His further Views—"Camillus's" Defence of the Treaty—Bradford's Death and Successor—Virginia Election and Legislative Action—Meeting of Fourth Congress—Contest in regard to the Address of the House—Rutledge's Rejection—Jefferson's Comments on Randolph's Vindication—Relations with France—Conduct of Adet in the United States—Monroe's Reception in France—Exchange of Flags and other Proceedings—Monroe's Assurances in respect to Jay's Mission—Monroe censured by his Government—Justifies himself on his Instructions—Washington's Reply—Misunderstandings between Monroe and Jay—Adet's Remonstrances against Treaty of London—His Complaints considered—Adet's Delivery of French Colors, and President's Reply—Proceedings of both Houses of Congress—Washington's Sincerity in his Address to Adet—He did not concur in the Feelings of the Federalists—The Republicans drive him from his Political Neutrality—The Consequences—The Reaction first sets against Monroe—Washington's and Adams's Censures on him—A curious Example of Political "Sea-change"—A larger Champion than Monroe in the field.

On the 16th of January (1794), Mr. Jefferson reached home, fondly imagining, as many other public men have done at some

momentary lull in the very midst of their public careers, that he now had reached the long-desired haven of rest—that henceforth, in his calm and delightful retreat, he was to look out, only as an unconcerned spectator, on party struggles—on the roar and strife of the busy world! It was but a delusive dream! But that one who had been twenty-four years in the official harness—more than half of that time entirely cut off from his private affairs—should feel thus at least for a period, until the agreeable novelty of new pursuits and associations should gradually wear away, would be expected by all who have any correct appreciation of public life.

Mr. Jefferson was now fifty years old. His hair was slightly touched with white. When the excitement, by which he had so long been surrounded, suddenly ceased, and the natural prostration of reaction followed, he fancied for a time that he had grown old, that his constitution was seriously shattered. It was, however, but a fancy. His form was erect, his tread was elastic, his strength was really unimpaired. The strict temperance and abstinence which had attended him onward from his youth—his regularity of exercise in all weather and under all circumstances and, indeed, his prudent and uniform habits in every particular, had scarcely yet allowed him to land on the hither shore of a hale and vigorous old age.

And here let us take another direct glimpse of his family. Maria, who had resided with him at Philadelphia, until his last trip but one home, was now sixteen—in mind and gentle sweetness of character, bearing out all the promise which Mrs. Adams had discovered in her childhood—in person, a dazzling vision of beauty. While her older sister—herself a woman of dignified and highly agreeable appearance—bore too many of her father's lineaments to be termed beautiful, Maria closely resembled that parent who had gone so early to the grave; and whom, alas! she was so soon to follow. Her beauty, indeed, was of that exquisitely delicate cast which betrays an organization too fine and fragile to long withstand the physical and other vicissitudes of life.

• Martha (Mrs. Randolph) was the mother of a fine healthy son, and a daughter.<sup>1</sup> Though a highly accomplished woman, conspicuously attractive in manners and conversation, and as

<sup>1</sup> Thomas Jefferson and Ann Carey Randolph.

gentle and amiable as any of her sex, her highest charm, to those who were familiarly acquainted with her, was in the solid traits of her character—a firm good sense which always judged wisely but benevolently—a perfect sincerity to all, and an entire and unselfish devotion to her friends and her family. No man judged female grace or excellence by a loftier standard, or with a more fastidious hypercriticism, than Martha's kinsman by blood and by marriage, Randolph of Roanoke. On one occasion, long after his utter alienation from Mr. Jefferson, and when he was only on terms of speaking with his family, Martha's health was offered in a company of gentlemen where John Randolph sat at the table. He, to the surprise of all, immediately rose with his glass in his hand. His piercing, haughty eye rolled round the circle as if challenging criticism on his course, while in his clear shrill tones he deliberately uttered: "I drink, gentlemen, to her—to the sweetest woman in Virginia!"

Thomas Mann Randolph, the husband of Martha, had yet scarcely turned thirty. He was what we have described him four years earlier, only new business cares, and new responsibilities, had stamped more thoughtfulness on his brow. His rapid impulsiveness and vehemence of character may be supposed to have unfitted him for agreeable habitual association with his father-in-law; who if he felt deeply, always judged and acted deliberately, and suppressed every outward exhibition of excitement. But Randolph, to the wide and varied information which has been mentioned, added an excellent literary taste. He also possessed very considerable scientific attainments, particularly in two widely separated departments—arms and natural history. In the latter, he was, for example, so thorough and so ardent a botanist that the celebrated Abbé Correa, in making his annual visits to Monticello in after years, spent more time in rambling the fields and forests with him, than he devoted to his host, Mr. Jefferson. We have already seen that it was on a visit to him and his kinsmen, that Professor Leslie visited America.

He had other traits which commended him to Mr. Jefferson. He was a man of unbounded generosity of character. He had that physical nerve and hardihood which the former warmly admired, and considered, if not a part of character, at least, the foundation from which many of the noblest traits of character necessarily spring. If his father-in-law was a bold rider, he was

a desperate one. Darkness, the swollen ford, the rushing river the wildly beating storm, stopped not his journey when his horse's head was pointed homeward. The tall spare figure wrapped in a horseman's cloak, the blazing but abstracted eye, the powerful blood-horse<sup>1</sup> splashed with mud and foam and dashing swiftly onward, are yet familiar objects in the recollections of many. Scott's description of William of Delioraine was often applied to him by his friends:

"Alike to him were time and tide,  
December's snow or July's pride;  
Alike to him were tide and time,  
Moonless midnight, or matin prime."

It was his exaggerated generosity of character, coupled with this reckless contempt of exposure, which ultimately cost him his life.<sup>2</sup>

He possessed, or was before long to possess, a large property—his two principal estates being Edgehill<sup>3</sup> (joining Shadwell, and about three miles from Monticello), and Varina, an extensive plantation a few miles below Richmond. He managed both of these estates. His residence was nominally on the first named, but he found himself unable to occupy it, except at short intervals. When Mr. Jefferson was at home, it was impossible to keep the father and daughter separated, and more especially now, when infant grandchildren enlivened the household. These Mr. Jefferson would not have taken from him! Randolph struggled to keep a home of his own, for a time, but finally gave it up, and became a pretty regular part of the family at Monticello. From Mr. Jefferson's return home, in 1794, we find the old entries in the account-book, "paid for Patsy—," "gave

<sup>1</sup> Randolph selected his horses for their speed and endurance—for that reckless courage and unconquerable "bottom" which marked his own organization. He had no dandyism in horseflesh—none of the feeling of an ancestor whose horse "Shakespeare" was kept in a stable wainscoted like a parlor, his groom sleeping in an alcove! Thomas Mann Randolph's horses fared as he fared, and they were apt to look as he looked, gaunt and rough. One of his best remembered horses through the country side (one of his last) was "Camel," so called for withers which rose before the saddle like a camel's hump. To ride this powerful animal eighty miles a day (the distance from one of his halting-places to Monticello), when the roads were deep and sticky with mud—and then, at nightfall, to take the Rivanna at full bank to save riding round by the bridge—were no uncommon feats with him.

<sup>2</sup> On review, we apprehend our picture conveys an impression of Gov. Randolph at a later period than the one under consideration (1794)—after misfortune and sorrow had subtracted something from the rounder and warmer-tinted lineaments of young manhood.

<sup>3</sup> His grandfather William Randolph's patent—400 acres of which, as we have seen, were sliced off (for a bowl of arrack punch) to give Peter Jefferson a more eligible building-spot on Shadwell.

Patsy —, for small expenses," etc., etc., constantly recurring, as in earlier days.

The whole family we have described, were assembled under the paternal roof-tree to welcome Mr. Jefferson on his return, and the remainder of the winter wore away happily, not to say gaily. On the 3d of February he wrote his successor in the State department, Mr. Randolph :<sup>1</sup>

DEAR SIR :

I have to thank you for the transmission of the letters from General Gates, La Motte, and Hauterive. I perceive by the latter,<sup>2</sup> that the partisans of the one or the other principle (perhaps of both) have thought my name a convenient cover for declarations of their own sentiments. What those are to which Hauterive alludes, I know not, having never seen a newspaper since I left Philadelphia (except those of Richmond), and no circumstances authorize him to expect that I should inquire into them, or answer him. I think it is Montaigne who has said, that ignorance is the softest pillow on which a man can rest his head. I am sure it is true as to everything political, and shall endeavor to estrange myself to everything of that character. I indulge myself on one political topic only, that is, in declaring to my countrymen the shameless corruption of a portion of the Representatives to the first and second Congresses, and their implicit devotion to the Treasury. I think I do good in this, because it may produce exertions to reform the evil, on the success of which the form of the government is to depend."

We have here the ancient ideal of retirement—the busy occupations which yesterday employed the now political anchorite, and all that can direct attention or recollection to them to be shut out—except a pet topic or two left for patriotic attention! Such seclusions may have been practicable before the day of newspapers, and of mails to carry written letters. They have not been so since—though many a philosophic mind, in its weariness or its disgust, has, for a time, dreamed over this antiquated dream.

Here is a flash of the old spirit in a letter to Mr. Madison :

MONTICELLO, April 8d, 1794.

DEAR SIR :

Our post having ceased to ride ever since the inoculation began in Richmond, till now, I received three days ago, and all together, your friendly favors of March the 2d, 9th, 12th, 14th, and Colonel Monroe's of March the 3d and 16th. I have been particularly gratified by the receipt of the papers containing your and Smith's discussion of your regulating propositions. These debates had not been seen here but in a very short and mutilated form. I am at no loss to ascribe

<sup>1</sup> On Mr. Jefferson's retirement from the Cabinet, the President transferred Mr. Randolph to the State department, and made Mr. William Bradford, of Pennsylvania, Attorney-General.

<sup>2</sup> Hauterive was the French Consul at New York.

Smith's speech to its true father. Every tittle of it is Hamilton's except the introduction. There is scarcely anything there which I have not heard from him in our various private, though official discussions. The very turn of the arguments is the same, and others will see as well as myself that the style is Hamilton's. The sophistry is too fine, too ingenious, even to have been comprehended by Smith, much less devised by him. His reply shows he did not understand his first speech; as its general inferiority proves its legitimacy, as evidently as it does the bastardy of the original. You know we had understood that Hamilton had prepared a counter report, and that some of his humble servants in the Senate were to move a reference to him in order to produce it. But I suppose they thought it would have a better effect, if fired off in the House of Representatives. I find the report, however, so fully justified, that the anxieties with which I left it are perfectly quieted. In this quarter, all espouse your propositions with ardor, and without a dissenting voice.

The "regulating propositions" of Madison referred to were a series of resolutions offered by that gentleman in the House of Representatives, Jan. 4th, embracing and carrying out the ideas of Mr. Jefferson, in regard to the regulation of our commerce with foreign nations, submitted in his celebrated report of the 16th of the preceding December.<sup>1</sup> The House took up the resolutions January 13th, and Mr. Smith of South Carolina—whom we have repeatedly had occasion to observe as one of the most devoted champions of Hamilton's views and plans—made that elaborate reply to Madison's powerful opening speech, which is attributed to Hamilton himself in the above quotation. That it was correctly so attributed, appears by one of the carefully preserved "drafts" published in Hamilton's writings.<sup>2</sup>

In the conclusion of Mr. Jefferson's letter of the 3d, he informed Mr. Madison that the people of Virginia seemed ready for a war with England should it ensue, but he "hoped it would not come to that." He thought the guaranty of the French West Indies contained in our treaty with France, must be kept, and that at the proper time we should declare both to that nation and to England, "that these islands were to rest with France, and that we would make a common cause with the latter for that object." He had no doubt the bills for various kinds of armaments and fortifications before Congress would pass,

<sup>1</sup> The resolutions proposed to increase the duty on the manufactures and on the tonnage of vessels, of nations having no commercial treaty with the United States—and to reduce duties on the tonnage of the vessels of nations having commercial treaties with us, and to retaliate the restrictions on our navigation. This of course was a measure which would effectually reach England.

<sup>2</sup> Hamilton's Works, by his son, vol. v. p. 80.



not that the "Monocrats and paper men" wanted war, but that they wanted "armies and debts." Though the Republicans had a small majority in the House, "he had always observed" that where "jobs" were to be distributed, "some few would be debauched." In conclusion, he expressed himself thoroughly weaned from public affairs—believed he never should take another newspaper of any sort—and was totally absorbed in his rural occupations!

He wrote to the Vice-President, Mr. Adams, April 25th:

"DEAR SIR:

"I am to thank you for the book you were so good as to transmit me, as well as the letter covering it, and your felicitations on my present quiet. The difference of my present and past situation is such as to leave me nothing to regret, but that my retirement has been postponed four years too long. The principles on which I calculated the value of life, are entirely in favor of my present course. I return to farming with an ardor which I scarcely knew in my youth, and which has got the better entirely of my love of study. Instead of writing ten or twelve letters a day, which I have been in the habit of doing as a thing in course, I put off answering my letters now, farmer-like, till a rainy day, and then find them sometimes postponed by other necessary occupations. The case of the Pays de Vaud is new to me. The claims of both parties are on grounds which, I fancy, we have taught the world to set little store by. The rights of one generation will scarcely be considered hereafter as depending on the paper transactions of another. My countrymen are groaning under the insults of Great Britain. I hope some means will turn up of reconciling our faith and honor with peace. I confess to you I have seen enough of one war never to wish to see another. With wishes of every degree of happiness to you, both public and private, and with my best respects to Mrs. Adams, I am your affectionate and humble servant."

To Tench Coxe, May 1st:

"DEAR SIR:

"Your several favors of February 22d and 27th, and March 16th, which have been accumulating in Richmond . . . were lately brought to me. . . . Your letters give a comfortable view of French affairs, and later events seem to confirm it. Over the foreign powers I am convinced they will triumph completely, and I cannot but hope that that triumph, and the consequent disgrace of the invading tyrants, is destined, in the order of events, to kindle the wrath of the people of Europe against those who have dared to embroil them in such wickedness. and to bring at length, kings, nobles, and priests, to the scaffolds which they have been so long deluging with human blood. I am still warm whenever I think of these scoundrels, though I do it as seldom as I can, preferring infinitely to contemplate the tranquil growth of my lucerne and potatoes. I have so completely withdrawn myself from these spectacles of usurpation and misrule, that I do not take a single newspaper, nor read one a month: and I feel myself infinitely the happier for it.

"We are alarmed here with the apprehensions of war; and sincerely anxious that it may be avoided; but not at the expense either of our faith or honor. It

seems much the general opinion here, the latter has been too much wounded not to require reparation, and to seek it even in war, if that be necessary. As to myself, I love peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore, Mr. Clarke's proposition of cutting off all communication with the nation which has conducted itself so atrociously. This, you will say, may bring on war. If it does, we will meet it like men; but it may not bring on war, and then the experiment will have been a happy one. I believe this war would be vastly more unanimously approved than any one we ever were engaged in; because the aggressions have been so wanton and bare-faced, and so unquestionably against our desire."

### To the President, May 14th:

"I find on a more minute examination of my lands than the short visits heretofore made to them permitted, that a ten years' abandonment of them to the ravages of overseers, has brought on them a degree of degradation far beyond what I had expected. As this obliges me to adopt a milder course of cropping, so I find that they have enabled me to do it, by having opened a great deal of lands during my absence. I have therefore determined on a division of my farms into six fields, to be put into this rotation: first year, wheat; second, corn, potatoes, peas; third, rye or wheat, according to circumstances; fourth and fifth, clover where the fields will bring it, and buckwheat dressings where they will not; sixth, folding, and buckwheat dressings. But it will take me from three to six years to get this plan under way. I am not yet satisfied that my acquisition of overseers from the head of Elk has been a happy one, or that much will be done this year towards rescuing my plantations from their wretched condition. Time, patience, and perseverance must be the remedy: and the maxim of your letter, 'slow and sure,' is not less a good one in agriculture than in politics. I sincerely wish it may extricate us from the event of a war, if this can be done saving our faith and our rights. My opinion of the British Government is, that nothing will force them to do justice but the loud voice of their people, and that this can never be excited but by distressing their commerce. But I cherish tranquillity too much to suffer political things to enter my mind at all. I do not forget that I owe you a letter for Mr. Young; but I am waiting to get full information. With every wish for your health and happiness, and my most friendly respects for Mrs. Washington, I have the honor to be, dear sir, your most obedient and most humble servant."

### To Mr. Madison, May 15th:

DEAR SIR:

"I wrote you on the 8d of April, and since that have received yours of March 24, 26, 31, April 14 and 28, and yesterday I received Colonel Monroe's of the 4th instant, informing me of the failure of the Non-importation Bill in the Senate. This body was intended as a check on the will of the Representatives when too hasty. They are not only that, but completely so on the will of the people also; and in my opinion are heaping coals of fire, not only on their persons, but on their body, as a branch of the Legislature. I have never known a measure more universally desired by the people than the passage of that bill. It is not

from my own observation of the wishes of the people that I would decide what they are, but from that of the gentlemen of the bar, who move much with them, and by their intercommunications with each other, have, under their view, a greater portion of the country than any other description of men. It seems that the opinion is fairly launched into public that they should be placed under the control of a more frequent recurrence to the will of their constituents. This seems requisite to complete the experiment, whether they do more harm or good. I wrote lately to Mr. Taylor for the pamphlet on the bank. Since that I have seen the 'Definition of Parties,' and must pray you to bring it for me. It is one of those things which merits to be preserved."

These allusions to a threatened war with England had been produced by a still more aggressive order in council than that of June, 1793. It was dated November 6th, 1793, but not published until about the close of the year; and it directed British armed vessels additionally to seize and carry into port for adjudication, all ships laden with goods the produce of any colony belonging to France, or carrying provisions or other supplies to any such colony.

Under this atrocious outrage on the rights and interests of the United States as a neutral nation, this contemptuous insult to its power, the war spirit of 1776 again blazed throughout the land. Some even of the leading Federalists were swept along by the excitement. Sedgwick moved, in the House of Representatives, to raise fifteen regiments of troops, and Smith (of South Carolina) moved a Committee to take into consideration the propriety, where our citizens suffered spoliation under this order in council, of immediately compensating them and then demanding indemnity from England. Dayton of New Jersey moved to sequester all British debts to form an indemnity fund. Madison's resolutions coming up, some opposed them as inadequate to the crisis; but Ames denounced them as having French stamped on their face. Parker of Virginia hotly replied that he wished all had stamps on their foreheads to show whether they were for France or England! The galleries clapped, and the House ordered the galleries cleared.

Lord Dorchester's supposed speech to an Indian deputation at Quebec, in February, declaring that a war between Great Britain and the United States would probably take place during the year, and that a new line must then be drawn between them by the sword, came to swell the excitement. Sedgwick's motion, however, did not prevail, and before the House came to

any determination on the proposition to sequester British debts, Clarke of New Jersey moved to suspend all commercial intercourse with Great Britain, until she should make restitution for her aggressions on our neutral rights, and until she should surrender the American posts held by her. This is the proposition alluded to so favorably by Mr. Jefferson in the preceding quotations, and the rejection of which by the Senate called out his severe strictures (of May 15th) on that body.

On the 4th of April, a letter from Mr. Pinckney was laid before Congress containing a new British order in council, dated January 8th, revoking that of November 6th, so far as to make it only apply to vessels laden with the produce of the French islands, and on a direct voyage from those islands to Europe. On these partial concessions, the Federalists, as a party, veered about and "strenuously opposed all measures which were irritating in their tendency"<sup>1</sup> towards England. The Republicans—aided by a small body of Federalists headed by Dayton—still favored non-intercourse and other decided measures.

Pending these discussions (on the 16th of April), the President sent to the Senate the nomination of John Jay, then Chief Justice, as Envoy Extraordinary of the United States, to the court of Great Britain,<sup>2</sup> avowing, in his message containing the nomination, that he had taken the step, "as peace ought to be pursued with unremitted zeal, before the last resource which has so often been the scourge of nations, and could not fail to check the advanced prosperity of the United States."

The measure met the opposition of a party who believed the presence of our Minister already in England was sufficient, and

<sup>1</sup> Marshall's *Washington*, vol. ii. p. 322.

<sup>2</sup> In a long letter from Hamilton to Washington, dated April 14th, he presses this measure. He states that he is not unapprised that he himself was one of the persons whom General Washington had in contemplation for the place, and intimates that he understands the President's biases to be in his favor, but on account of the "collateral obstacles" which exist, requests the President to drop him and take Mr. Jay. (*Hamilton's Works*, vol. iv. p. 519.) The "collateral obstacles" probably existed in the Senate. Colonel Monroe, of that body, wrote the President, April 8th, "that he should deem such a measure [the nomination of Hamilton] not only injurious to the public interest, but also especially so to" the President's; and he asked an interview to explain his objections. (*Sparks's Washington*, vol. x. p. 557.) The President declined the interview, requesting Colonel Monroe to communicate his objections in writing. (*Ib.* vol. x. p. 339.) Here the matter seems to have dropped. Had Hamilton been nominated, there is probably little or no doubt that he would have been rejected by the Senate. His supposed English partialities were too strong for even the moderate Federalists in their present phase of feeling. The vote on Clarke's non-intercourse resolutions in the Senate will show the existing temper of that body towards England.

that further extraordinary overtures to that country, under the particular circumstances, were uncalled for, and derogatory to our self-respect. Mr. Jay's nomination was approved in the Senate by a majority of ten votes; but in the House, though further action on Clarke's resolution was opposed on the ground that it would be an obstacle in the way of the proposed negotiation,<sup>1</sup> and in the present state of things, an act of indelicacy towards the Executive, if not a direct infringement on his right to negotiate, it passed by fifty-eight to thirty-eight votes. A bill based on it was then passed, fifty-eight to thirty-four. It was thrown out in the Senate, only by the casting vote of Vice-President Adams. Some other divisions, at about the same period, indicated a similar temper in Congress, and it was evident that a far more serious breach had occurred between the Republican party and the President personally than ever before.<sup>2</sup>

<sup>1</sup> In Hamilton's letter to the President of April 14th, this measure proposed by Clarke was mentioned as a hostile one towards England, which would probably lead to war, and the proposal of it was one of the reasons for his urging the appointment of an envoy.

<sup>2</sup> Judge Marshall records this as a defeat of the Administration in the House of Representatives; and it would seem that the course of the President himself, was now, perhaps, for the first time, directly criticised in that body. The objection to Clarke's resolutions, that they were an infringement on the powers of and an indelicacy towards the Executive, was met by the assertion that Congress had the sole right to regulate commerce, and if there had been any indelicacy, it was on the part of the Executive. (*Life of Washington*, vol. ii. p. 326.) The same author states the following, as the views of those who were opposed to any step which might lead to a war with England, and he says, "their aid was not requisite to confirm the judgment of the President on this interesting subject:"

"That war with Britain during the continuance of the passionate and almost idolatrous devotion of a great majority of the people to the French Republic, would throw America so completely into the arms of France, as to leave her no longer mistress of her own conduct, was not the only fear which the temper of the day suggested. That the spirit which triumphed in that nation, and deluged it with the blood of its revolutionary champions, might cross the Atlantic, and desolate the hitherto safe and peaceful dwellings of the American people, was an apprehension not so entirely unsupported by appearances, as to be pronounced chimerical. With a blind infatuation, which treated reason as a criminal, immense numbers applauded a furious despotism, trampling on every right, and sporting with life, as the essence of liberty; and the few who conceived freedom to be a plant which did not flourish the better for being nourished with human blood, and who ventured to disapprove the ravages of the guillotine, were execrated as the tools of the coalesced despots, and as persons who, to weaken the affection of America for France, became the calumniators of that republic. Already had an imitative spirit, captivated with the splendor, but copying the errors of a great nation, reared up in every part of the continent self-created corresponding societies, who, claiming to be the people, assumed a control over the Government, and were loosening its bands. Already were the Mountain (a well known term designating the most violent party in France) and a revolutionary tribunal, favorite toasts; and already were principles familiarly proclaimed, which, in France, had been the precursors of that tremendous and savage despotism, which, in the name of the people, and by the instrumentality of affiliated societies, had spread its terrific away over that fine country, and had threatened to extirpate all that was wise and virtuous. That a great majority of those statesmen who conducted the opposition would deprecate such a result, furnished no security against it. When the physical force of a nation usurps the place of its wisdom, those who have produced such a state of things no longer control it."—*Life of Washington*, vol. ii. p. 323.

That General Washington entertained very serious fears of the effects of the "self-created corresponding societies"—the "Democratic Societies" of that day—that his faith

If we assume the speaker's election to be a test of party strength, it appears that a body of Federalists participated in the feelings and action of the Republicans.

A chasm of nearly four months occurs in Mr. Jefferson's correspondence, after the letter last given, showing that his isolation from public concerns was not altogether imaginary. His passion for contemplating "the tranquil growth of his lucerne and potatoes," his "thorough weaning" from public affairs, have provoked a good many sarcasms, in the light of the other extracts we have made. But during the entire year 1794, just *nine* letters appear in his published correspondence. Not all of these are political. Those that are, were addressed to old and familiar correspondents, and as they show, usually in answer to nearly half a dozen intervening letters received from those correspondents. They do not in the remotest manner

in the good sense and sound patriotism of the "physical force" of the nation, was not as strong as that of the Democratic leaders, is clearly enough manifested in his contemporaneous correspondence; but that he believed that "a great majority of the people" of the United States in their hearts approved of the sanguinary excesses of the French Revolution—that all they needed was the further affiliation with France which would be produced by fighting at the same time a common foe, to rush madly into all those excesses, desolating "the hitherto safe and peaceful dwellings of the American people" by the guillotine, deluging the land with blood, etc.—we do not, we will not believe, even on so high seeming authority. Judge Marshall does not profess to speak from any personal knowledge of General Washington's views, but simply (as we understand it) from an inspection of papers, now accessible to all. We have studied these closely for the authority for his assertion—his inference—that General Washington entertained the opinions expressed in the above paragraph; and putting all of the declarations of the latter together, and putting what seems to us the most just construction upon them, we have failed to discover such authority. It is true that he considered the "Democratic Societies" as offshoots of the Jacobin clubs—and in one place at least, he declares he believes they will destroy our Government if they "cannot be discountenanced." But he nowhere, that we discover, expresses the belief that they cannot be discountenanced, or that a war with England would place them where they could not be discountenanced. We shall cite some of General Washington's expressions, which may throw light on this subject, before this chapter is closed.

That Judge Marshall, however, expressed the feelings of the ultra-Federalists of that day—"the few" who did not think the plant of freedom "flourished the better for being nourished with human blood"—the self-arrogated "wisdom" of the nation, as contradistinguished from its "physical force," from the "great majority of the people," from the "immense numbers," etc.—is beyond all question. And we make no doubt that the learned judge candidly mistook his own inferences for the motives and feelings of the President.

Professor Tucker calls attention to the different *ensemble* given by himself and Judge Marshall of the proceedings of Congress in the session of 1791-1792, remarking that the reader will perceive "that the variance consists principally in this, that some facts which he [Tucker] had supposed important in the history of parties, had been omitted by him [Marshall]."—*Tucker's Jefferson*, vol. i. p. 404.—note.

We have considered it no part of our business to look for the constant discrepancies or variances between our statements and Marshall's—only turning attention to a few of them more particularly bearing on Jefferson, and to which the learned judge's position, as a family accredited biographer of Washington (to say nothing of the weight of his own name), seemed to give an especial importance. Our *ensemble* of the facts, however (like Tucker's), constantly varies from his. We shall not say by whose inaccuracies or omissions this has been produced. We may prove in error more than once in regard to facts which are but incidental and collateral to our narrative. We shall ask but one privilege, however, where we vary from Judge Marshall, and that is, that the reader will consult the original sources of information to ascertain where the error lies.

allude to any details of partisan management, but only to a few great questions which were then rocking our whole country like an earthquake, which were being warmly discussed not only in every quiet hamlet, and even farm-house, within the boundaries of the States, but in the cabins of the armed borders on the farther banks of the Illinois, and the Alabama. Mr. Jefferson's isolation, therefore—plunging into it as he did suddenly from the very vortex of public affairs—appears to us to have been carried to an extraordinary pitch—a more extraordinary one than would be either practicable or justifiable for a much longer period.

We take it for granted that the four months' chasm did not extend to oral communications. We presume that Mr. Jefferson saw company during that period, and that when it consisted of well-informed gentlemen, his conversation manifested the same freedom with his earlier and later letters.

It has been imagined in some quarters that his declarations on the subject of retirement were pure pretences—unfelt—and only designed to play off a stale game to deceive the public, while he was as busy as a spider secretly weaving his political webs;<sup>1</sup> setting on foot political machinations to favor his own progress to the Presidency; in fact, "pulling all the wires," and dictating all the secret arrangements of his party. This would suppose him very blind (for a man concededly so shrewd) to the fact, that such pretensions, whether true or false, would not actually weigh a feather towards the accomplishment of the supposed object. An officious ambition sometimes damages the popularity of aspirants to public favor. But mere professions of a desire to retire, probably have not exercised a very strong influence since some primitive age when a disinclination to serve the public might have been considered a peculiar merit in a public servant! And the false and true modesty (supposing modesty to be the alleged motive) have been so often exhibited alongside, that nobody pays much attention to either. Where the public credit the declaration, they at least know, that the competent man will, and from the nature of things must, obey the call of his country, when his services are demanded. Professions of love of retirement, therefore, weigh nothing, and amount to nothing. If made falsely by a

<sup>1</sup> This is a simile used on this occasion by one of Mr. Jefferson's assailants.

sensible man, it must spring purely from a love of the false—the false, too, clothed in one of the stalest and most threadbare of its forms. And Jefferson, if practising it, was practising it upon no uninitiated simplicity—upon no simple-hearted youth, no retired student, no trusting clerical friend—who was to go forth astonished at such antique disregard of pomp and power, and to spread it to the four winds of heaven! If Jefferson was aiming to mislead anybody, it was the grave and practised statesmen who had known him best, Washington, Madison, etc.

It is curious that we find nearly all the American correspondences of this period filled with this kind of what now would be regarded as self-denying declarations. Washington had them ever on his lips in his private correspondence, in his addresses, and even in his official speeches. Fifty instances of his pointed declarations that he had resumed public life with the most earnest reluctance after the war, and of his constant disinclination to continue in it, can be readily brought together. They are to be found in his first inaugural speech, and in his Farewell Address. Similar declarations are almost as common in the mouths of all the eminent men of the day.

Another fact would probably appear still more curious to many persons now. There are strong reasons for believing that most of these declarations were sincere! No man will, probably, presume seriously to doubt Washington's sincerity.<sup>1</sup> We have seen how often Jefferson put aside office "on the Luperca!"—when he had no particular reasons for supposing any officious Anthony would again attempt to thrust it on him. He was three or four times appointed a foreign minister, with some years of interval between the appointments, before he accepted. He more than once declined an election to Congress. He went into the first President's Cabinet with avowed reluctance. He made repeated efforts to retire, before any crisis of affairs was reached besides mere Cabinet differences, and when in the questions of his own department, and for which he was in anywise responsible, he was uniformly successful. Beyond the mere desire for quiet, after upwards of twenty years of public labor and excitement, he had other special and good reasons for that retirement,

<sup>1</sup> John Adams somewhere writes a correspondent (Jefferson we think), that Washington did not really meditate retirement at the close of his second term—but that it became necessary from his inability to fill his Cabinet with suitable officers. This was one of Mr. Adams's most absurd declarations.



which we have seen expressed in his letters, and particularly those to his daughter and to Mr. Madison.

Indeed the mania for office seems not yet to have spread among our public men. Swift rotations were a recent feature of government, and the public appetite had not been whetted to take advantage of the consequences of them. It was actually hard work, as incontestable facts show, to fill some of the foremost offices of the Government with anything like the pick of our public men.

It was difficult to obtain the consent of "first class" talents and experience, to take seats, for example, even in the United States Senate. He who looks over the list of senators during General Washington's, and some of the other early administrations, will find his knowledge of minute and local history severely taxed, to make out who were many of the men who filled this high office—and especially what they had ever done previously, which would seem to establish their particular fitness to hold it. Most of the congressional leaders acquired all their reputation in Congress. The first foreign missions were repeatedly refused, and sometimes refused two or three times before they could be filled to the satisfaction of the Executive. After Jefferson's retirement, and again after Hamilton's and Randolph's, President Washington had the utmost difficulty in suitably filling their places; and whether he ultimately succeeded, history must judge. Five or six eminent men refused the appointment of Secretary of State, and others were not applied to only from a despair of securing their services. Hamilton's place was filled by a man who had been a subordinate in his office—a managing, cunning, rather able man, as he proved, but one of no previous high standing before the country.<sup>1</sup> The Secretary of State's office was also finally conferred on a man<sup>2</sup> who had been filling subordinate departments in the Executive administration—and who had none of the large parts, information, or dispositions to fit him for his place. The War department went into the hands of a gentleman, avowedly taken as a "Hobson's choice,"<sup>3</sup> who, though devoted to Hamilton, Hamilton himself declared must be removed for incompetency, if an anticipated war took place.<sup>4</sup> The Attorney-Generalship was twice filled with

<sup>1</sup> Wolcott.

<sup>2</sup> Pickering.

<sup>3</sup> These were General Washington's own words in regard to McHenry.

<sup>4</sup> This assertion appears in Hamilton's published Works.

youngish men, of no great established fame in their profession—of none to compare with that of other lawyers in their respective States.<sup>1</sup>

In this cabinet of secondary men, General Washington was more than once overruled! He sadly learned that the want of fame or experience in the higher walks of statesmanship, was accompanied by no corresponding lack of assurance—no diminution of jealousy of personal consequence and interest.

In the letter of Mr. Jefferson to the President, of May 14th, already quoted, the latter gave some idea of the condition in which he found his lands “after a ten years’ abandonment of them to the ravages of overseers,” and of his plans for their renovation. To these calm pursuits we willingly follow him. We will begin by showing the amount of his landed property, quoted verbatim from his farm-book :

## LAND ROLL IN 1794.

Acres.		Acres.	
1,052½	MONTICELLO, viz.,	1,000	patented by Peter Jefferson 1785, July 19.
		27½	rec'd in exchange by T. Jefferson from N. Lewis.
		25½	purch'd by T. Jefferson from Richard Overton.
571½	MONTALTO, part of	488	acres purchased by T. Jefferson from E. Carter; 12½ the residue were conveyed by T. J. to N. Lewis in exchange.
		64½	purchased by T. Jefferson from Benjamin Brown.
		40	purchased by do. from T. Wells.
300	TUFTON, viz.,	150	called Tufton, pat'd by P. Jefferson, 1755, Sept. 10.
		150	called Portobello, pat'd by P. Jefferson, 1740, Sept. 16.
400	SHADWELL, . . .		purchased by P. Jefferson of William Randolph.
819½	LEGO, . . .		purchased T. Jefferson of Thomas Garth.
819½	PASTORS, viz.,	650	purchased by T. Jefferson of the Smiths.
		169½	purchased by T. Jefferson of Walter Mousley.
730	————— viz.,	485	surveyed in the name of T. Jefferson.
		245	an undivided moiety of 40 surveyed for J. Harvie.

<sup>1</sup> We allude here to Bradford and Lee. No man, however, of his age, promised better than the honest and pure Bradford, soon removed by death.

Acres.		Acres.	
400	POUNCETS, viz.,	800	part of the 400 pat'd by P. Jefferson, 1756, Aug. 16.
		100	residue thereof devised by P. Jefferson to Speirs, and repurchased by T. Jefferson of Speirs.
4	LIMESTONE, . . .		purchased by T. Jefferson from Robert Sharpe.
66½	LIMESTONE, . . .		an undivided sixth of 400 acres on waters of Hardware, pat'd by Philip Mayo, Sept. 1, 1749.
222	————— . . .		on McGehee's road, pat'd by T. Jefferson, 1788, April 12.
196	————— . . .		on waters of Buck Island, pat'd by T. Jefferson, 1788, April 12.
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5,591½ in ALBEMARLE Co.			
4,627½	POPULAR FOREST, viz.	8,000	part of 4,000 pat'd by Stith, 1,000 thereof conveyed to T. M. and M. Randolph.
		256	pat'd by Daniel Robertson
		380	pat'd by Callaway.
		188	pat'd by J. Robertson.
		800	surveyed for J. Wayles, 1770, Oct. 25.
		8½	pat'd by T. Jefferson.
<hr/>			
474	TULLOS's, viz.,	874	pat'd by Tullos.
		100	purchased by J. Wayles of Richard Stith, pat'd by T. J.
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5,101½ in BEDFORD and CAMPBELL Co's.			
157	NATURAL BRIDGE, in ROCKBRIDGE Co., pat'd by T. Jefferson, 1774, July 5.		
<hr/>			
10,647 acres.			
4 lots in Beverly town, viz., No. 57, 107, 108, 151, this last the Ferry lot; Part of lot 335 in Richmond, containing 825 square yards, purch'd by T. J. of Wm. Byrd.			

Of the between five and six thousand acres of his land in Albemarle, only about twelve hundred were under cultivation, exclusive of "the range"—a designation sometimes applied in the Southern States to worn fields thrown out to spontaneous pasturage, without being kept under inclosure. The amount under tillage at Poplar Forest was not far from eight hundred acres. His force of slaves was one hundred and fifty-four. The census of his domestic animals, taken the month after his return, comprised (to descend to definite facts) thirty-four horses (eight of them saddle horses!) five mules, two hundred and forty-nine cattle, three hundred and ninety hogs, and three sheep. This was a slim "stock" for two thousand acres of cultivated

land; and the disproportion between what may be termed the necessary and the "fancy" sorts—as for example, between the sheep and the riding-horses—will remind the keen farmer of Falstaff's comparative expenditures for bread and sack! The overseers doubtless had required about two riding-horses apiece to carry on their "ravages" thoroughly. Mr. Jefferson's soils were quite as badly deteriorated as he described them—and the practical man need not be told what a slow and wearisome task it is to renovate large bodies of exhausted land under the excessively adverse conditions of rearing few domestic animals—of being out of the reach of artificial manures, faster than they can be grown on the soil—and of being obliged annually to draw a revenue from these very lands sufficient to support an extensive establishment. Mr. Jefferson could accomplish little in the summer of 1794, because the necessary preparations (plowing) had not been made the preceding fall; and, most unfortunately, his supervision of the work the ensuing fall, to get things in a state of forwardness for the summer of 1795, was wholly prevented by illness. He was attacked by inflammatory rheumatism about the first of September, and remained confined to his house or its immediate vicinity, till the close of November.

The entries in the farm-book for 1794 are very meagre, and they make a still more meagre exhibit of profits. One, for instance, is as follows: "On both sides of the river we have made thirty-seven and a half bushels of wheat above what has been sowed for next year." This is spoken of his home property, and if it includes Monticello, Tufton, Shadwell, etc.—which we can hardly believe, though one would infer so from his speaking of "both sides of the river"—it is as "beggarly" an "account of empty" bins as could well be imagined. He commences the farm account of 1795 with the following statement:

"The fall of 1794 had been fine, yet little plowing was done, partly from the want of horses, partly by neglect in the overseers, and a three months' confinement by sickness in myself, viz.: from September 1st till the latter end of November. Petit came to Monticello about the middle of November, and soon after they began to plow on both sides [of the Rivanna], first with one plow, then two, then three. They did not get the fourth plow each till the second week in March. In the meantime eight horses for each had been made up by purchasing five. Before Christmas, at Tufton, the high-field of about thirty-five acres, and at Monticello, a part of the River field, to wit, about twenty acres, and about fifteen acres for ar

oatfield were plowed, say about seventy acres. On the other side, about twenty-five or thirty acres of the square field were plowed."

December again found Mr. Jefferson out of doors, and he at once entered upon the execution of a much needed improvement. His lands had been inclosed into fields of different sizes, and of every conceivable shape, as piece after piece had been "cleared" by overseers, and divided from the adjoining forest by fences which followed the line accidentally left between the clearing and forest, in vast contempt of mathematical regularity. As the plow was obliged to keep at a respectful distance from the zig-zag "rail fence," the strip of land left uncultivated was soon covered with bushes and all varieties of rank weeds, scattering their seeds over the fields at every breeze. Then a new piece of forest was cleared, and a new fence, with its accompanying hedge-row of bushes and weeds, established—no overseer ever dreaming of attempting to extirpate those left behind. The result of this, in course of time, would be evident. It was painfully evident to Mr. Jefferson—the windows and doors of his house commanding nearly every acre of his dilapidated estate.

He now set about dividing his arable land into regular fields of forty acres each; and in the place of the unsightly fences, he substituted merely straight rows of peach trees, planted at the usual intervals. This arrangement was a very decided improvement in appearances; and it was a very comfortable one to both master and man for many years afterwards, as it afforded a superabundance of a fruit which acquired its finest flavor on the warm slopes of Monticello. In a farming point of view, it made as good a division as any other between fields exclusively devoted to grain crops, and others not to be fed on the soil. But it (unless at vast inconvenience) prevented the keeping of any large number of domestic animals<sup>1</sup>—a rather indispensable item in good husbandry. As substitutes for animal manures, he proposed buckwheat dressings (that is, buckwheat crops plowed under as fertilizers) and folding.<sup>2</sup> An entry in the farm-book

<sup>1</sup> They could not be at large on the inclosed part of the farm, except when all other crops beside grass were off, and then they would all run promiscuously together—a thing which it would be hard for a good farmer to tolerate, being as detrimental to all decent convenience as to profit.

<sup>2</sup> Not folding sheep to feed off root crops, as in England, but (we suppose) simply penning up the farm stock nightly in littered inclosures, to bring together accumulations of manure, to be carried from thence and distributed over the land.

shows that he made space for and planted "eleven hundred and fifty-one" peach trees in December, 1794.

To keep up the connection between Mr. Jefferson's correspondence and the public events transpiring, we shall be often obliged to take brief historical glimpses of the times.

The people inhabiting that portion of Pennsylvania which lies west of the Alleghany Mountains, had, as we have already seen, from the first passage of the United States law imposing duties on domestic distilled spirits, looked upon it with great disapprobation, and had attempted to evade its execution. Congress passed a new act for the purpose of better enforcing this, and serious disturbances followed in the summer and autumn of 1794. Indictments being found against a number of distillers who refused to comply with the law, and warrants issued, the Marshal and Inspector were forcibly interrupted in the execution of their duties, and driven away. The Inspector's house was assaulted about the middle of July, and the assailants being fired upon, several of them were killed or wounded. The disturbances went on increasing and widening, until most of the federal officers were driven away, or compelled to pledge themselves not to attempt to serve processes. The rioters called a general convention of deputies to meet at Parkinson's Ferry on the 14th of August. Affidavits of these facts were laid before the President, and on his submitting them to one of the associate justices of the Supreme Court, the certificate was issued which authorized the President to call out the militia to aid the civil power. Before employing military force, the law further required the Executive to issue a proclamation calling upon those resisting the laws to disperse within a specified time. This was done on the 7th of August. Three commissioners were also appointed by the General Government, and two by the executive of Pennsylvania, to proceed to the scene of disturbance and offer a full pardon for past offences, on condition of future obedience to the laws.

The Secretary of State (Randolph), and Governor Mifflin, were for resorting to this measure before calling out troops, thinking it would be more effectual without any accompanying menace; but Hamilton, Knox, and Bradford, urged the immediate requisition of troops, and that the insurgents be formally given until the 14th of September to submit, and on their failure

to do so, that the troops immediately march. This advice prevailed, and a requisition was made on the Governors of New Jersey, Pennsylvania, Maryland, and Virginia, for an army of twelve—afterwards augmented to fifteen—thousand men. "The insurgent country," says Judge Marshall, "contained sixteen thousand men able to bear arms, and the computation was, that they could bring seven thousand into the field."<sup>1</sup> Meanwhile, the commissioners failed in the object of their mission, and on the 25th of September the President issued a new proclamation, announcing the advance of the troops, and his fixed resolution "to take care that the laws be faithfully executed." The principal command was given to Governor Henry Lee, of Virginia. The President visited both the advancing divisions of the army, and then returned himself to Philadelphia, leaving "the Secretary of the Treasury to accompany it."<sup>2</sup>

The troops crossed the Alleghanies late in October, in heavy rains, and over roads rendered nearly impassable by mud. On arriving in the disaffected district, no resistance was offered, and not a drop of blood was shed.<sup>3</sup> The mortality resulting from the expedition—ultimately not trifling—was confined to the troops who had suffered such exposures. Various arrests were made, and the army retired, leaving two thousand five hundred men to winter in the district. Two of the prisoners were finally found guilty of capital offences—one for arson, and one for robbing the mail—but they were pardoned by the

<sup>1</sup> Marshall's Washington, vol. ii. p. 344. In a letter (or perhaps we should rather call it a Cabinet opinion) to the President, dated August 2d, Hamilton said:

"'Tis computed that the four opposing counties contain upwards of sixteen thousand males of sixteen years and more, and that of these, about seven thousand may be expected to be armed. 'Tis possible that the union of the neighboring counties of Virginia may augment this force. 'Tis not impossible that it may receive an accession from some adjacent counties of this State on this side of the Alleghany Mountains. To be prepared for the worst, I am of opinion that 12,000 militia ought to be ordered to assemble; 9,000 foot and 3,000 horse."—*Hamilton's Works*, vol. iv. p. 577.

It was subsequently thought necessary to augment this force, as stated in the text.

<sup>2</sup> Marshall's Washington, vol. ii. p. 347. Hamilton wrote the President, Sept. 19th:

"In a Government like ours, it cannot but have a good effect for the person who is understood to be the adviser or proposer of a measure, which involves danger to his fellow citizens, to partake in that danger; while not to do it, might have a bad effect. I therefore request your permission for the purpose."—*Hamilton's Works*, vol. v. p. 30.

In the same volume appears Hamilton's "drafts" of the President's Proclamation, and even of several of Randolph's letters to Mifflin, etc. Hamilton seems to have borne entirely the leading part claimed by him in the transactions of the "Whisky War."

<sup>3</sup> Perhaps this is too unqualified. A man whom a soldier was attempting to arrest for "insulting an officer," seized hold of the soldier's bayonet, and was thereupon run through the body; and a boy was shot, by mistake, by a cavalry soldier. But the intentional and unintentional homicides in these cases were delivered over to the civil authorities for trial.

President Such was the final conclusion of what was popularly termed the "Whisky War."

This whole affair was looked upon very differently by the two great political parties. The Federalists regarded it as the legitimate fruit of the doctrines maintained by French sympathizers in America, and especially the fruit of the action of the "Democratic Societies." These, in their view, were the precise counterparts of the bloody Jacobin clubs of France, and were not slowly preparing the minds of the American people for the same scenes of anarchy, mob-*sway*, and wild violence. According to them, the Pennsylvania insurrection was to have been a prelude to these disorders—and they were prevented only by the energy of the Executive and the aroused patriotism of the country.<sup>1</sup>

The Republicans, on the other hand, looked upon the war-like demonstration which had been made, as, if not essentially unnecessary, a grossly disproportioned one; and many of them broadly ridiculed the march of a force twice as large as the disaffected counties were believed under any circumstances capable of bringing into the field, even were they resolved on the dire extremity of open civil war—and then the wintering of twenty-five hundred men in a district where not a trigger had been pulled. They denounced the law, the political spirit which had dictated it, and which had dictated such an armament on the eve of a meeting of Congress. The whole measure, from beginning to end, was mainly attributed by them to the Secretary of the Treasury. Especially was this the case in regard to the magnitude of the armament. It was well known that since Mr. Jefferson had left the Cabinet, Hamilton's superior genius and his haughty will had reduced the other heads of departments and the new Attorney-General to the condition of mere followers or inconsiderable opponents. Indeed all evidently, if not avowedly, belonged to the former class except Randolph. And nothing could be more disagreeable than the position of the latter. His ingenious "compromises" were now trampled under foot by those who had once found them convenient to fall back upon, to save their own utter defeat. On the present occasion,

<sup>1</sup> General Washington's views on this subject will be found in Sparks's Washington, vol. x pp. 426, 429, 437, 440, 443, 444, 454, etc. etc. He appears to have been led by the representations of facts made to him by his Cabinet, to have taken a very similar view of the case with that we have attributed to the Federalists.



he had fears and scruples and doubts enough, for he could not forget his principles or shut his ears to the comments of his old political friends; but his opposition was of no avail with the iron majority now arrayed against him.<sup>1</sup>

Hamilton's accompanying the troops was very unfavorably criticised by the Republicans. They regarded him as the virtual commander of the expedition, as they supposed he could not have any other explainable object in attending it in such a region and at such a period of the year. As he anticipated, in a letter just quoted,<sup>2</sup> they "understood" him "to be the adviser or proposer of the measure;" but instead of giving him the credit of gallantry, for being willing to "partake in that danger" which he had brought others into, as he also seemed to anticipate, they regarded it as a new evidence of his severe and anti-popular dispositions;<sup>3</sup> and they claimed that it was no proper or decorous place for one of the constitutional advisers of the President, because he might thus be called in, hot with the flush of battle and dripping with the blood of his fellow citizens, to vote in the Cabinet on propositions involving nice questions of the extent of rigor or mercy it would be proper to show to those he had just met as enemies.

It has often been claimed that on the retirement of Jefferson the President not only gave up, but willingly gave up, all further attempt to maintain a balance between parties in his Cabinet—that, tired of the struggle, he purposely allowed the Federalists the ascendancy, and this too, while Hamilton himself remained to dictate terms to the majority. This is wholly untrue. In the very height of the Pennsylvania disturbances he made an effort, through Randolph, to procure Jefferson's return to his former place in the Cabinet. The communication

<sup>1</sup> On referring to Hamilton's "drafts" of the period, it will be found that he drew up many of the papers which Randolph was required to officially sign; and if we remember aright, this even extends to some of Randolph's communications to foreign ministers!

<sup>2</sup> See note 2d, p. 242.

<sup>3</sup> Hamilton wrote Senator Rufus King, Oct. 30th, from Jones's Mill, that "all was essentially well," that there was "no appearance of opposition," but that the expense incurred would be "essentially fruitless," unless Congress would raise a body of 500 infantry and 100 horse, "to be stationed in the disaffected country." He adds:

"A law regulating a peace process of outlawry is also urgent; for the best objects of punishment will fly, and they ought to be compelled by outlawry to abandon their property, homes, and the United States. This business must not be skinned over. The political putrefaction of Pennsylvania is greater than I had any idea of. Without rigor everywhere, our tranquillity is likely to be of very short duration, and the next storm will be infinitely worse than the present one."—*Hamilton's Works*, by his son, vol. v. p. 611.

appears to have been sent by an express, and it received the following reply :

TO THE SECRETARY OF STATE.

MONTICELLO, September 7, 1794.

DEAR SIR :

Your favor of August the 28th finds me in bed, under a paroxysm of the rheumatism which has now kept me for ten days in constant torment, and presents no hope of abatement. But the express and the nature of the case requiring immediate answer, I write you in this situation. No circumstances, my dear sir, will ever more tempt me to engage in anything public. I thought myself perfectly fixed in this determination when I left Philadelphia, but every day and hour since has added to its inflexibility. It is a great pleasure to me to retain the esteem and approbation of the President, and this forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments, and a thousand more to him, which my situation does not permit me to go into. \* \*

We have also seen the President's declaration that Mr. Madison would have been his first choice, to succeed Mr. Jefferson, did he not know that the former would not accept the place.

We have not made investigations which enable us to speak with certainty of the politics of Bradford, the Attorney-General, when he entered the Cabinet. He was a young<sup>1</sup> man of fine powers, singular modesty, and of genuine integrity. His father had been a colonel in the Revolutionary army—and himself a lieutenant-colonel of the Pennsylvania State troops until compelled by ill-health to resign. He was the loved protégé of Joseph Reed, who, as President of Pennsylvania, had appointed Bradford Attorney-General of the State at the age of twenty-five, and when he had been but one year in the practice of the law; and Reed had been the particular friend of General Washington and his military secretary. Bradford was the son-in-law of Elias Boudinot, a distinguished Federalist; but he was one of the judges of the Supreme Court of Pennsylvania, commissioned as late as August, 1791, by the zealously Republican Governor Mifflin. He remained in that position until called into the Cabinet (January, 1794); and it would be singular, if the President, in the existing critical condition of public affairs in Pennsylvania, selected a Cabinet officer from that State who, he had reasons to think, would be unacceptable on political or any other grounds to Governor Mifflin, the able Chief-Justice McKean, and nearly all the leading men of the State. Brad

<sup>1</sup> He was born in 1755.

ford, having occupied his judicial position for the preceding four years, may very likely have taken little or no part in politics; but it would be difficult to reconcile his appointment, if a declared Federalist, under all the circumstances, with some other facts and with those maxims of prudence which General Washington would be expected to consult.

But the strong tide of circumstances, to say nothing of the intellectual supremacy and inflexible will of Hamilton, at once absorbed Bradford into the Federal side of the Cabinet. The Republicans of Philadelphia were far more alarmed at the progress of the "Whisky War" than their remoter associates, or they were more inflamed by the excitement produced by the active preparations of the Cabinet in their midst. Mifflin acted very zealously in arraying the quota of Pennsylvania, and was one of the commanders of the expedition. Bradford voted and acted with Hamilton, and thenceforth there was no retreat for him. Mifflin and his Republican associates could, if they chose to remain with their party, escape odium by assuming the posture of *instruments*. Bradford had acted as a voluntary adviser, and that path was not open to him, even if he had desired to follow it—a fact of which there is not, so far as we know, any proof.

Other men besides Madison, to whom the President would have most gladly given the position of Secretary of State, were understood to be Republicans, and some of them had been recommended by Jefferson. And if any other proof is wanting of Washington's wish to maintain his previous attitude, it is furnished by the decisive fact, that after finding that the balance of parties in his Cabinet was destroyed, he desired to call back Jefferson.

We think Jefferson had ample excuse for retiring, under all the circumstances which have been stated. We are not so clear, by any means, that other Republicans were entirely justifiable in refusing to take his place. Madison's disinclination to the office vanished when Jefferson became President. It would seem hard that the stately chief who had sacrificed so much for his country—who had sacrificed all his inclinations, and that repose which his age and his partly broken health demanded, in accepting his present office—could not have been allowed to carry out that programme of political action which he had de-

liberately chosen, and which he clung to as long as it was of any avail. We readily grant that no-partyism is but a day-dream among free and elective institutions. But the attitude in which Washington wished to stand was as graceful and appropriate in the Father of his Country, as it was noble in the motive; and we wish he could have been allowed to try out the experiment to his own satisfaction, and if he found it necessary to terminate it, freely to choose his own time and manner for so doing.

John Adams was wont to say that the refusals of prominent men to serve in Washington's Cabinet, after its first organization was broken up, arose from their disinclination to encounter the arrogance and influence of Hamilton. But do we find that Hamilton had any preponderating influence in the Cabinet while Jefferson was a member? If able men refused seats, could it be expected that refiners like Randolph, or comparative youths like Bradford, could withstand the ability, pertinacity and outside influence of Hamilton? The theory hinted at by Adams of Hamilton's ascendancy over the mind of Washington, is not fairly deducible from facts.<sup>1</sup> The President had settled a line of Cabinet procedure adapted to his original theory of a balance of parties. He had made the Cabinet a council wherein the opinions a majority were, excepting on rare and special occasions, allowed to control his own decisions. Men able to compete with Hamilton refused seats. The natural consequences ensued. The President made a last attempt to restore things to their first position. It failed; and he was forced out of his plan, unless he was willing to send his Cabinet offices begging through the whole nation. He might, it is true, have dismissed Hamilton before the current of party set in the Cabinet. But if he had confidence in Hamilton and wished him to remain, as the representative of one side, he was not bound to

<sup>1</sup> Perhaps Mr. Adams should be pardoned for a little soreness. At the crisis of public affairs on which our narration is entering, he stood firm as a rock by the side of the President. Again and again by his casting vote, as presiding officer of the Senate, he saved the Administration from defeat on what may be called turning questions. With the high determination which marked his character, he resolutely staked all on measures, which, as in the case of Jay's treaty, it is apparent enough from his later hints, he in his heart disapproved. In this he acted not unconscientiously, for politics sometimes presents but a choice of evils. Washington was not, there can be little doubt, partial to Adams. His position, in his view, cut him off from consulting very freely with any but members of his Cabinet. The haughty Hamilton consulted with nobody, and conferred only to command. Mr. Adams probably felt that he was doing what entitled him not only to confidence but to some personal manifestations of it. His position was anomalous, and not agreeable to a man of his pride and sensitiveness.

dismiss him. He was neither bound to surrender his own preferences, nor to obtain other men's aid by capitulation.

But while a sense of justice constrains us to express these views, we certainly can see some weighty excuses for the refusal of prominent Republicans to serve in the Cabinet. Independently of his influence or ability, Hamilton was a disagreeable antagonist to meet there. Mr. Madison used to say that "it would take more than one Hamilton to make a Jefferson."<sup>1</sup> Yet Jefferson's strength was never exhibited imperiously or offensively. Hamilton was not so fortunate in this particular. His assumed "primacy" was not worn in a way calculated to be agreeable to high spirited opponents. But apart from all such personal considerations, and constituting far weightier ones, we have no doubt that some of the Republican leaders, and particularly Mr. Madison, were satisfied that a time had come in public affairs when a balanced Cabinet could not much longer command the public confidence and support. The British orders in council had presented so decisive an issue that those in the administration bent on some kind of retaliation and those bent on submission, were too wide apart for either to acquiesce in the others' success. In short, they believed the time had come when it would be impossible for the Government to steer between parties—that it would be compelled to make its choice—that the President would be required to take a united Cabinet from the ranks of one or the other.

The President evidently did not intentionally compromise his neutrality between parties in instituting the new English Mission, or in the selection of the ambassador. He hoped by this step to avoid either war or submission. If he chose an agent likely to be acceptable to England, he at the same time chose a man of unquestionable patriotism, integrity and ability. Mr. Jay had not been engaged in recent party conflicts, and was apparently the least exceptionable man on that side, from which one acceptable to England alone could be taken. The President at about the same time sent Monroe as the successor of Morris to France. Here was a corresponding step to gratify

<sup>1</sup> Mr. Grigsby quotes this remark in his discourse on the Virginia Convention of 1776. On applying to him for his authority, he gives that of the Hon. George Loyall, for a long time an honored Member of Congress from Virginia, who was very intimate with Mr. Madison. Loyall repeatedly heard the latter make the declaration contained in the text, when comparing the intellectual capacities of the two men.

the latter power. Monroe, the political disciple of Jefferson, was a Republican of the most uncompromising stamp. As he succeeded so prominent a Federalist as Morris, to have sent another Republican to England would have been almost equivalent, in the eye of partisans, to the President's openly espousing the Republican side.

But notwithstanding all these considerations, there can be little doubt that the selection of Jay was an unfortunate one. He was an able jurist, a capable legislator, a correct administrative officer where the line of duty was prescribed; and he had acquitted himself honorably in diplomacy. But he lacked the inflexibility, the moral courage, the stern pugnacity needed for this peculiar position. He looked up to England as much as the most ultra of his party, and he lacked traits which would have guarded other conspicuous men in that party from being biased either by their fears or their preferences. Men who looked closely into the peculiarities of individual character would have preferred to see either Hamilton or Adams sent on that mission, though they were far more hostile to the men. They would have felt confidence that the martial spirit of Hamilton would have quailed in no crisis. They would have been certain that the right hand of John Adams would have perished sooner than sign any instrument which would improperly humble his country.

But whatever the Republicans foreboded in respect to the result of Mr. Jay's mission, they, in our judgment, exhibited bad party tactics in opposing and violently assailing the measure, after the President had irrevocably committed himself. They could not know what would be the result. Nobody was entitled to assume that the President sought or would accept a dishonorable peace. The proposition was certainly a fair, and apparently a reasonable one. By denouncing it in advance, the Republicans placed themselves in the false attitude of a seeming war party. They gave the Federalists the advantage of exchanging the posture of subservient advocates of England, for that of advocates of an honorable peace. They gave them the still greater advantage of constituting themselves the especial friends and defenders of the President. And what was far more fatal than all the rest, they put in motion a train of causes likely to drive the President thenceforth to accept the support of the

Federalists as his party, in order to carry out the measures of his administration.

The President was never a party manager. And he now had passed that age and state of physical vigor, the keen, determined, and unrelaxing tone of which is necessary to buffet single-handed the constant and raging billows of faction—now to outgeneral, now coerce, now sharply play off against each other inveterate parties led by able men—and all this without an organized party of his own. The mind of Washington was massive, but simple. It was a Doric temple, not a Cretan labyrinth.

Jefferson says in the introduction to his *Ana* :

"From the moment \* \* \* of my retiring from the Administration, the Federalists\* got unchecked hold of General Washington. His memory was already sensibly impaired by age, the firm tone of mind for which he had been remarkable was beginning to relax, its energy was abated, a listlessness of labor, a desire for tranquillity had crept on him, and a willingness to let others act, and even think for him. Like the rest of mankind, he was disgusted with the atrocities of the French revolution, and was not sufficiently aware of the difference between the rabble who were used as instruments of their perpetration, and the steady and rational character of the American people, in which he had not sufficient confidence. The opposition, too, of the Republicans to the British treaty, and the zealous support of the Federalists in that unpopular but favorite measure of theirs, had made him all their own."

To the asterisk following the word "Federalists" corresponds, in the original, a note in these words: "See Conversation with General Washington of October 1, 1792." By turning to the conversation referred to, we find that, among other topics, it embraces an account of one of General Washington's attempts to persuade Mr. Jefferson not to retire, because "he thought it important to preserve the check of his [Jefferson's] opinions in the Administration, in order to keep things in their proper channel," etc. Remembering the system of deciding questions in the Cabinet, we have here the explanation of Jefferson's expression that the Federalists got "unchecked" hold of General Washington.

It may occur to some readers to ask what "hold" a Cabinet could have of a President, so long as he could remove its members at pleasure. Cabinet removals at that period were a thing unthought of, and when introduced towards the close of the next Administration, under the most urgent circumstances, were considered high evidences of personal or partisan violence on the

part of the President. They were considered—as we shall have occasion to see—a forcible deprivation of an official tenure where the incumbent properly had a right standing on nearly the same footing with the vested right of an elective officer. And removal for a difference of opinion violated the theory which General Washington had carried into practice that the Cabinet was an independent body of Executive counsellors. It required gross outrages against docency to drive the second President to resort to this constitutional prerogative, now by common consent optionally exercised.

It will be marked in the preceding quotation, that Mr. Jefferson—never accused of withholding anything in his private writings, and least of all in the *Ana*—imputes no change of principles, no desire to enter upon any new line of action in respect to parties, to the President.

The second session of the third Congress was to have opened on the 3d of November, 1794, but it was upwards of two weeks before a quorum of the Senate assembled. Most of the opening speech of the President (on the 19th) was taken up in detailing the proceedings in reference to the insurrection in western Pennsylvania. These were dilated upon in a very animated tone, and the intimation several times thrown out that the insurgents were aided or encouraged by outside influences. Some of these intimations were general, and others more specific. In one place the President said :

“The very forbearance to press prosecutions was misinterpreted into a fear of urging the execution of the laws, and associations of men began to denounce threats against the officers employed. From a belief that, by a more formal concert, their operation<sup>1</sup> might be defeated, certain self-created societies assumed the tone of condemnation.”

Again :

“When in the calm moments of reflection, they shall have retraced the origin and progress of insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance of or perversion of facts, suspicions, jealousies, and accusations of the whole Government.”

The Senate, after a sharp debate, endorsed the President's

<sup>1</sup> *I. e.* the operation of the laws.



view of the "self-created," or, in other words, democratic societies, in their answer to the speech.<sup>1</sup> The reply of the House originally contained no allusion to it, but Fitzsimmons moved an amendment denouncing these societies. Giles, Nicholas, Lyman, and McDowell insisted that the censure would include all voluntary associations. All the leading Republicans, however, utterly disclaimed any connection with the reprobated societies. Giles opened his remarks with a warm tribute to the President's character. To force the Republicans into a direct issue with the President, Fitzsimmons changed his amendment into nearly a repetition of the language employed in the opening speech. A fiery debate ensued. Sedgwick supported the amendment in a vehement strain. Giles as sharply retorted. He claimed that many members of the democratic societies had marched among the troops sent to quell the disturbances they were accused of having fomented. A motion to strike out the words "self-created societies" passed the Committee of the whole by forty-seven against forty-five; but the vote was exactly reversed in the House (November 27th), the Chairman of the Committee and the Speaker voting on different sides of the question. The Republicans, however, immediately carried a motion to make the censure apply only to the "self-created societies" in "the four western counties of Pennsylvania and parts adjacent." But nineteen members voted for the amended amendment; and the address finally passed with out any mention of "self-created societies."

Notwithstanding the heat of these discussions, and the obvious attempt of the Federalists to draw the Republicans into an attitude of direct hostility to the Executive, it is recorded by Judge Marshall that "the speech of the President was treated with marked respect; and the several subjects which it recommended engaged the immediate attention of Congress."<sup>2</sup> The House passed an act for raising the sum of one million one hundred and twenty-two thousand dollars to defray the expenses

<sup>1</sup> The answer of the Senate contained the following:

"Our anxiety arising from the licentious and open resistance to the laws in the western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the Government—proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government: and which, by inspiring delusive hopes of support, have been influential in misleading our fellow citizens in the scene of insurrection."

<sup>2</sup> Life of Washington, vol. ii. p. 354.

of the expedition into western Pennsylvania; authorizing the President to continue to maintain a force there according to his suggestion; and appropriating something over one hundred thousand dollars for that object. The acquiescence of the Republicans in this last measure was due rather to their respect for Washington and their disinclination perhaps to come in collision with his immense popularity on such an issue, than from any conviction of its necessity.

To the feelings of no one had the President's official censure of the democratic societies given a ruder shock than to Mr. Jefferson's. He looked upon it as the whole body of the American people would now look upon a denunciation, in the annual message of the Executive, of any of those thousand political societies which are daily starting into existence and assuming a "tone of condemnation" towards the rulers or measures of the hour. Sixty years since, governments were not as practised as at present to the fiery criticisms of the press and of popular discussion. In the light of present experience, one smiles to find General Washington writing a correspondent that "no one denies the right of the people to meet occasionally to petition for, or remonstrate against, any act of the Legislature;" but that he thought that "for a self-created permanent body to declare this act is unconstitutional, and that act pregnant with mischiefs," etc., was "a stretch of arrogant presumption;"<sup>1</sup> and writing another correspondent that he was perfectly convinced "that if these self-created societies cannot be discountenanced, they will destroy the Government of the country."<sup>2</sup>

In a day when precedents were being established which were to determine the practical line of demarkation between popular rights and governmental authority, Jefferson did not regard this as a matter to furnish amusement. His jealousies all lay on the other side. In a sharp and angry letter to Madison (December 28th), he thus commented on the Executive denunciation, and on the Pennsylvania proceedings:

"The denunciation of the democratic societies is one of the extraordinary acts of boldness of which we have seen so many from the faction of Monocrats. It is

<sup>1</sup> See his letter to Burgess Ball, Sparks's Washington, vol. x. p. 437.

<sup>2</sup> Letter to E. Randolph, Sparks's Washington, vol. x. p. 444, and see also same, pp. 426, 429, 437, 440, 443, 464.

wonderful, indeed, that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing and publishing. It must be a matter of rare curiosity to get at the modifications of these rights proposed by them, and to see what line their ingenuity would draw between democratical societies, whose avowed object is the nourishment of the Republican principles of our Constitution, and the society of the Cincinnati, a self-created one, carving out for itself hereditary distinctions, lowering over our Constitution eternally, meeting together in all parts of the Union, periodically, with closed doors, accumulating a capital in their separate treasury, corresponding secretly and regularly, and of which society the very persons denouncing the Democrats are themselves the fathers, founders and high officers. Their sight must be perfectly dazzled by the glittering of crowns and coronets, not to see the extravagance of the proposition to suppress the friends of general freedom, while those who wish to confine that freedom to the few, are permitted to go on in their principles and practices. I here put out of sight the persons whose misbehavior has been taken advantage of to slander the friends of popular rights; and I am happy to observe, that as far as the circle of my observation and information extends, everybody has lost sight of them, and views the abstract attempt on their natural and constitutional rights in all its nakedness. I have never heard, or heard of, a single expression or opinion which did not condemn it as an inexcusable aggression. And with respect to the transactions against the Excise law, it appears to me that you are all swept away in the torrent of governmental opinions, or that we do not know what these transactions have been. We know of none which, according to the definitions of the law, have been anything more than riotous. There was indeed a meeting to consult about a separation. But to consult on a question does not amount to a determination of that question in the affirmative, still less to the acting on such a determination; but we shall see, I suppose, what the court lawyers, and courtly judges, and would-be ambassadors will make of it. The Excise law is an infernal one. The first error was to admit it by the Constitution; the second, to act on that admission; the third and last will be, to make it the instrument of dismembering the Union, and setting us all afloat to choose what part of it we will adhere to. The information of our militia, returned from the westward, is uniform, that though the people there let them pass quietly, they were objects of their laughter, not of their fear; that one thousand men could have cut off their whole force in a thousand places of the Alleghany; that their detestation of the Excise law is universal, and has now associated to it a detestation of the Government; and that separation, which, perhaps, was a very distant and problematical event, is now near, and certain, and determined in the mind of every man. I expected to have seen some justification of arming one part of the society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks and scoffs of our enemies, and rising at a feather against our friends; of adding a million to the public debt and deriding us with recommendations to pay it if we can, etc., etc. But the part of the speech which was to be taken as a justification of the armament, reminded me of Parson Saunders's demonstration why *minus* into *minus* makes *plus*. After a parcel of shreds of stuff from *Æsop's fables* and *Tom Thumb*, he jumps all at once into his *ergo*, *minus* multiplied into *minus* makes *plus*. Just so the fifteen thousand men enter after the fables, in the speech."

He added :

" However, the time is coming when we shall fetch up the leeway of our vessel. The changes in your House, I see, are going on for the better, and even the Augean herd over your heads are slowly purging off their impurities. Hold on, then, my dear friend, that we may not shipwreck in the meanwhile. I do not see, in the minds of those with whom I converse, a greater affliction than the fear of your retirement ; but this must not be, unless to a more splendid and a more efficacious post. There I should rejoice to see you ; I hope I may say, I shall rejoice to see you. I have long had much in my mind to say to you on that subject. But double delicacies have kept me silent. I ought, perhaps, to say, while I would not give up my own retirement for the empire of the universe, how I can justify wishing one whose happiness I have so much at heart as yours, to take the front of the battle which is fighting for my security. This would be easy enough to be done, but not at the heel of a lengthy epistle.

\* \* \* \* \*

" Present me respectfully to Mrs. Madison, and pray her to keep you where you are for her own satisfaction and the public good, and accept the cordial affections of us all. Adieu."

This is the outspoken and severe language of a confidential letter ; but it could not be properly passed over in tracing its author's political history.

The inference which would be drawn from one of the above remarks, that Jefferson conceded there had been " misbehavior " on the part of the democratic societies, is an entirely correct one. While he believed that American citizens were entitled " occasionally," or in " permanent bodies," purely at their own option, to meet and discuss the conduct of their Government, and denounce its measures if they saw fit, he had no connection with those societies, and very little sympathy for the manner in which many, if not most of them, had conducted themselves. Latterly, such men as the Rittenhouses and Duponceaus had ceased to take part in them, and they had mostly subsided into gatherings of those ultra-French sympathizers who had defended Genet in all, or nearly all, his acts. They had rapidly culminated, and almost as rapidly waned. The French Minister who succeeded Genet, M. Fauchet, did not follow his predecessor's example in countenancing them. The Reign of Terror in France had put the imitation of French clubs out of fashion among sensible men. The notice drawn upon them by the Executive and Senatorial censure, and the debate in the House, gave these organizations a fading ray of importance, but it soon went out, and they sunk into contempt and disappeared.

The conclusion of the preceding letter to Mr. Madison contains an obvious allusion to the next Presidency—a distinct refusal by the writer to be a candidate, and an equally distinct declaration in favor of Mr. Madison. This was probably called out by the unmistakable indications which appeared in the Republican party at this period that it was disposed to make Mr. Jefferson its candidate for that post.

On the last day of January, Colonel Hamilton, after several times deferring that step to meet the wishes of the President, resigned his place as Secretary of the Treasury, and was succeeded by Oliver Wolcott, who had been in the same department, first as Auditor, and afterwards as Controller, from its first establishment under the Constitution. General Knox had resigned the War department a month earlier, and been succeeded by Timothy Pickering, who, as the successor of Osgood, had been Postmaster-General since 1791. Joseph Habersham of Georgia was appointed Postmaster-General to succeed Pickering.

On the 6th of February, Mr. Jefferson wrote a long letter to M. d'Ivernois, in which occurs a strong and argumentative reiteration of his earlier position that large national territories are much better fitted for republics than smaller ones.

Mr. Madison replied to Jefferson's letter of December 28th, as follows, in regard to the Presidential nomination :

PHILADELPHIA, Mo: 28, 1795.

Whilst I am acknowledging these favors, I am reminded of a passage in a former one, which I had purposed to have answered at some length. Perhaps it will be best, at least for the present, to say in brief, that reasons of every kind, and some of them of the most insuperable as well as obvious kind, shut my mind against the admission of any idea such as you seem to glance at. I forbear to say more, because I have no more to say with respect to myself, and because the great deal that may and ought to be said beyond that restriction will be best reserved for some other occasion, perhaps for the latitude of a free conversation. You ought to be preparing yourself, however, to hear truths which no inflexibility will be able to withstand.<sup>1</sup>

This called out the following exceedingly pointed reply :

MONTICELLO, April 27, 1795.

\* \* \* \* \*

In mine, to which yours of March the 28d was an answer, I expressed my hope of the only change of position I ever wished to see you make, and I expressed it

<sup>1</sup> The original of this letter is in the possession of Mr. N. P. Trist, who has kindly furnished us with the above extract, comprising all the contents of the letter on the same subject.

with entire sincerity, because there is not another person in the United States, who being placed at the helm of our affairs, my mind would be so completely at rest for the fortune of our political bark. The wish, too, was pure, and unmixed with anything respecting myself personally.

For as to myself, the subject had been thoroughly weighed and decided on, and my retirement from office had been meant from all office high or low, without exception. I can say, too, with truth, that the subject had not been presented to my mind by any vanity of my own. I know myself and my fellow citizens too well to have ever thought of it. But the idea was forced upon me by continual insinuations in the public papers, while I was in office. As all these came from a hostile quarter, I knew that their object was to poison the public mind as to my motives, when they were not able to charge me with facts. But the idea being once presented to me, my own quiet required that I should face it and examine it. I did so thoroughly, and had no difficulty to see that every reason which had determined me to retire from the office I then held, operated more strongly against that which was insinuated to be my object. I decided then on those general grounds which could alone be present to my mind at that time, that is to say, reputation, tranquillity, labor; for as to public duty, it could not be a topic of consideration in my case. If these general considerations were sufficient to ground a firm resolution never to permit myself to think of the office, or be thought of for it, the special ones which have supervened on my retirement, still more insuperably bar the door to it. My health is entirely broken down within the last eight months; my age requires that I should place my affairs in a clear state; these are sound if taken care of, but capable of considerable dangers if longer neglected; and above all things, the delights I feel in the society of my family, and in the agricultural pursuits in which I am so eagerly engaged. The little spice of ambition which I had in my younger days has long since evaporated, and I set still less store by a posthumous than present name. In stating to you the heads of reasons which have produced my determination, I do not mean an opening for future discussion, or that I may be reasoned out of it. The question is forever closed with me; my sole object is to avail myself of the first opening ever given me from a friendly quarter (and I could not with decency do it before), of preventing any division or loss of votes, which might be fatal to the Republican interest. If that has any chance of prevailing, it must be by avoiding the loss of a single vote, and by concentrating all its strength on one object. Who this should be, is a question I can more freely discuss with anybody than yourself. In this I painfully feel the loss of Monroe. Had he been here, I should have been at no loss for a channel through which to make myself understood; if I have been misunderstood by anybody through the instrumentality of Mr. Fenno and his abettors. I long to see you."

This reiteration of his determination in the strong language in which it is couched, and assigning such reasons as it does, to the writer's most confidential, personal, and political friend—to a man too who, as the leader of the Republican party in Congress, and as probably the next most prominent candidate for the Presidency (should it be settled Mr. Jefferson would not run), might be most awkwardly placed by being misled—affords the clearest proof how completely in his heart of hearts the

writer had resolved on a permanent retirement from public life. "Man's heart deviseth his way," but other agencies, wholly beyond his control, often "direct his steps."

During the summer of 1795, the political elements were preparing for a fierce explosion. Mr. Jay had arranged a treaty with Great Britain (November 19th, 1794) which reached the State department on the 7th of the following March. The President convened the Senate, and that body, after a fortnight's debate, advised and consented to a conditional ratification, on the 24th of June, by barely the constitutional vote of two thirds (20 to 10).<sup>1</sup> The condition annexed was that an amendment be made to the twelfth article of the treaty.<sup>2</sup>

Mr. Jay himself was not satisfied with the terms of the treaty;<sup>3</sup> but he seems to have placed a good deal of confidence in the "good disposition in the far greater part of the [British] Cabinet and nation towards us"—and he "wished it might have a fair trial."<sup>4</sup> Hamilton was displeased with some of its provisions, and particularly with the 12th article, and "he was glad, though at the risk of the treaty, that the Senate had excepted it."<sup>5</sup> He thought "valuable alterations" might be made in the 13th article—that "it would be well if that part of the 15th article, which spoke of countervailing duties, could be so explained as to fix its sense"—that "the 18th article was really an unpleasant one," though "there was he feared little chance of altering it for the better"—that (a subject wholly omitted in the treaty) "some provision for the protection of our seamen was infinitely desirable"—that "the affair of the negroes, to give satisfaction, might be retouched, but with caution and delicacy."<sup>6</sup>

The President had "several objections" to it.<sup>7</sup> He not only

<sup>1</sup> The Senators who voted against ratification were Mason and Tazewell of Virginia, Martin and Bloodworth of North Carolina, Burr of New York, Butler of South Carolina, Brown of Kentucky, Jackson of Georgia, Langdon of New Hampshire, and Robinson of Vermont.

<sup>2</sup> Mr. Jay, unaware, it seems, that cotton was becoming an article of export from the United States, had consented to include it among the things which the latter stipulated to renounce the transportation of to Europe.

<sup>3</sup> See his letters to the President of Sept. 3d and 4th. (Sparks's *Washington*, vol. xi. pp. 481-483.) The first of these is given in the *Life and Writings of John Jay*, by his son, vol. ii. p. 257.

<sup>4</sup> Jay to Washington; Jay's Works, vol. ii. p. 236.

<sup>5</sup> See his Works, vol. v. p. 106; vol. vi. p. 35, *et seq.* Here the word *excepted* (the last but one in the quotation we have made) is printed *accepted*. But the context obviously shows this a typographical error.

<sup>6</sup> Hamilton to Washington, Sept. 4th. Works, vol. vi. p. 35, *et seq.*

<sup>7</sup> Marshall's *Washington*, vol. ii. p. 361.

disapproved of the twelfth article, but he thought the third "not marked with reciprocity." He "questioned whether" still another objection would not be found in its operation, "to work very much against us."<sup>1</sup> He thought the 2d article too indefinite, etc.

After the action of the Senate, and pending the President's deliberations on ratifying the treaty, news arrived which placed those "good dispositions" of the British Cabinet and nation towards the United States, which Mr. Jay had relied on as more than a counterpoise to the defects of his treaty, in a very striking light. The Order in Council of June 8, 1793, for seizing provisions going to French ports, having been once suspended, was now renewed. And this seemed as good an illustration of the interpretation which the British Cabinet intended to put on the article in the treaty in regard to contraband, as of its sentimental regard for America! This interpretation swept away at a stroke all protection against one of the most injurious aggressions, on the part of England, which had called for an extraordinary mission to that country, and for the treaty under consideration.

Nor was the cup of humiliation yet full. At a moment when a decent appearance of solicitude for the result of the action of our Government would have demanded some forbearance, the business of forcibly impressing American seamen was as openly carried on as ever. Moreover, a far more direct and flagrant insult to our jurisdiction, than Genet had ever dreamed of, was premeditatedly offered by the officers of a British vessel. Fauchet, the French Minister who had succeeded Genet, being on his return to France, took passage in a packet-boat from New York to Newport, for the purpose of embarking on board the French frigate, *Medusa*, lying there. The commander of a British frigate, the *Africa*, resolved and made preparations to seize the French Minister on his way to Newport. The packet put into New London in stormy weather, and Fauchet, receiving a hint of his danger, continued his journey by land. The American vessel was subsequently stopped as concerted, and the papers on board of her seized.

Those who had justified the President for compelling Genet to restore the British ship *Grange*, because she was captured within the jurisdiction of the United States, now called for some

<sup>1</sup> Washington to Hamilton, *Hamilton's Works*, vol. vi. p. 17.



still more summary action against those who had deliberately violated our jurisdiction and our flag also, and this for the purpose of *trapaning*<sup>1</sup> the person of the Minister of a power with whom our Government entertained the most friendly relations. Many of those who had warmly justified our Cabinet in demanding Genet's recall, and who had themselves most severely denounced him for aiming to embroil us in war, saw in the proceeding of the commander of the *Africa* a far more gross and direct attempt of the same kind.

General Washington felt sorely and keenly these accumulating insults. He wrote to Hamilton, August 31st:

"We know officially, as well as from the effects, that an order for seizing all provision vessels going to France has been issued by the British Government; but so secretly, that as late as the 27th of June it had not been published in London; it was communicated to the cruisers only, and not known until the captures brought it to light. By these high-handed measures of that Government, and the outrageous and insulting conduct of its officers, it would seem next to impossible to keep peace between the United States and Great Britain. To this moment we have received no explanation of Holmes's<sup>2</sup> conduct from their *chargé des affaires* here; although application was made for it before the departure of Mr. Hammond, on the statement of Governor Fenner, and complaint of the French Minister. Conduct like this disarms the friends of peace and order, while they are the very things which those of a contrary description wish to see practised."<sup>3</sup>

The President wrote Mr. Jay the same day, and in speaking of the difficulties which had interposed in the way of ratifying the treaty, said:

"It has not been the smallest of these embarrassments that the domineering spirit of Great Britain should revive again just at this crisis, and the outrageous and insulting conduct of some of her officers should combine therewith to play into the hands of the discontented, and sour the minds of those who are friends to peace, order, and friendship with all the world."<sup>4</sup>

The courageous spirit of Hamilton blazed forth under these indignities. In answer to the President's letter of the 31st, ult., he wrote September 4th:

<sup>1</sup> As Fauchet had a perfect right to suppose the jurisdiction and flag of the United States would protect him, until his arrival at Newport, the attempt against his person cannot be classed as a fair hostile one to secure a prisoner of war. The word in the text would seem to be literally applicable to the circumstances.

<sup>2</sup> Commander of the *Africa*.

<sup>3</sup> See this letter entire in Hamilton's Works, vol. vi. p. 83. It does not appear in Sparks's Washington.

<sup>4</sup> Sparks's Washington, vol. xi. p. 63.

"The incidents which have lately occurred have been in every way vexatious and untoward. They render indispensable a very serious, though calm and measured, remonstrance from this Government, carrying among others this idea. that it is not sufficient that the British Government entertain no hostile dispositions 'tis essential that they take adequate measures to prevent those oppressions of our citizens and of our commerce by their officers and courts, of which there are too frequent examples, and by which we are exposed to suffer inconveniences too nearly approaching to those of a state of war. A strong expectation should be signified of the punishment of Captain Holmes, for the attempt to violate an ambassador passing through our territory, and for the hostile and offensive menaces which he has thrown out. The dignity of our country, and the preservation of the confidence of the people in the Government, require both solemnity and seriousness in these representations."<sup>1</sup>

Hamilton had written his successor Wolcott, August 10th, that "he was very much of the opinion," that when the ratified treaty was taken to England, the agent of the United States should make the exchange of ratifications dependent upon a rescinding of the Order in Council, because we were too much interested in the exemption of provisions from seizure "to give even an implied sanction to the contrary pretension"—because a different course would "give color to an abusive construction of the 18th article of the treaty"—because "it would give cause of umbrage to France"—because it "would be thus construed in our country, and would destroy confidence in the Government"—because "it would be scarcely reputable to a nation to conclude a treaty with a power to heal past controversies, at the very moment of new and existing violation of its rights."<sup>2</sup>

John Adams, a year or two afterwards, when informed that his son, then Minister to Holland, had been treated with some coolness in England, wrote to his wife:

"I am glad of it, for I would not have my son go so far as Mr. Jay, and affirm the friendly disposition of that country to this. I know better. I know their jealousy, envy, hatred, and revenge, covered under pretended contempt."

But the constitutional advisers of the President were men of different mettle where England was concerned; nor shall we say that all who wrote the President boldly, kept up to the mark of their own advice to the end. Wolcott answered Hamilton (August 15th) that "the President had decided that the

<sup>1</sup> Hamilton's Works, vol. vi. p. 35.

<sup>2</sup> See this letter entire in Gibbs's *Memoirs of the Administrations of Washington and John Adams*, vol. i. p. 223.

treaty should be ratified and transmitted for exchange immediately, and in his [Wolcott's] opinion, he had decided right." He said: "circumstances had happened tending to excite a distrust of the sincerity of this Government in the British Cabinet, which would be no otherwise explained than by a ratification!"<sup>1</sup>

The President's "opinion was not," as he wrote Randolph, "favorable to the treaty;" but he had determined previously to its submission to the Senate, to ratify it, "if it should be so advised and consented to by that body." His original doubts pertained to "the commercial part of it, with which he professed to be the least acquainted;" and "he had no means of acquiring information thereon without disclosing its contents, not to do which until it was submitted to the Senate had been resolved on." Doubts afterwards rose in his mind when he received information of the "Provision Order" of the British Government; and he wrote Randolph that he and the other Cabinet officers, "knew the grounds on which his ultimate decision was taken."<sup>2</sup>

On the 12th of August the question of immediate ratification was discussed in the Cabinet, and all the members supported that measure except Randolph, who took the ground "that during the existence of the Provision Order, and during the war between Britain and France, this step ought not to be taken."<sup>3</sup> It was, however, determined that the ratification should be accompanied by a "strong memorial" to the British Government "against the Provision Order."

The President's original determination to ratify the treaty, should the Senate approve of it, was unquestionably formed under the impression that this step was necessary to continue peace between the United States and Great Britain. His subsequent relinquishment of the conditions which the "Provision Order" suggested to him as necessary to vindicate the rights and dignity of the United States, may have been partly suggested by the circumstances presently to be adverted to, showing that popular opposition to the treaty was so universal and violent, that any delays for further negotiation would be treated by Eng-

<sup>1</sup> See Gibbs's *Memoirs of the Administrations of Washington and Adams*, vol. i. p. 225. We should perhaps say that Mr. Gibbs is a near relative (grandson, we think) of Wolcott, and wrote his work with the full aid of Wolcott's papers.

<sup>2</sup> For these several quotations, see two letters from Washington to Randolph, July 22d and October 25th, Sparks's *Washington*, vol. xi. pp. 36 and 87.

<sup>3</sup> Marshall's *Washington*, vol. ii. p. 368

land as a hostile manifestation. This would explain the singular declaration of Wolcott to Hamilton; though we venture to assert that if the suggestion was pressed upon the President by all the Cabinet but Randolph, as we have no doubt it was, they were exceedingly careful not to put it in terms which would rest the action proposed on such grounds of national abasement, as that we must at once ratify an objectionable treaty to demonstrate our "sincerity" to the "British Cabinet." But the reasons we have given hardly account for the President's rather sudden action, inasmuch as he had manifested considerable hesitation, and made considerable delays, after being as fully apprised of the circumstances mentioned as he ever subsequently became.

Another cause has been assigned by several writers, in an event, of which we do not propose here to enter upon any formal account. Suffice it to say that a dispatch home from the late French Minister, Fauchet, had been intercepted, and sent by the British Government to its Minister in the United States, who communicated it to our Cabinet. It contained some shrewd views of American politics mixed up with great exaggerations. It attributed the same views to the ultra-Federalists that were attributed to them by the Republicans, and spoke of something as "undoubtedly what Mr. Randolph [the Secretary of State] meant in telling him [Fauchet] that under pretext of giving energy to the Government, it was intended to introduce absolute power, and to mislead the President into paths which would conduct him to unpopularity." The following is an extract from the same paper:

"Two or three days before the proclamation [to the Pennsylvania insurgents] was published, and of course before the Cabinet had resolved on its measures, Mr. Randolph came to see me with an air of great eagerness, and made me the overtures of which I have given you an account in my No. 6. Thus with some thousands of dollars, the republic could have decided on civil war or on peace! Thus, the consciences of the pretended patriots of America already have their prices! It is very true that the certainty of these conclusions, painful to be drawn, will forever exist in our archives! What will be the old age of this Government, if it is thus early decrepid?

Fauchet subsequently distinctly disclaimed any interpretation of the above which would implicate Randolph's patriotism; and, indeed, he narrated the entire circumstances on which the

remarks were based, in a manner which showed he never had entertained such a thought, unless his present statements were pure fabrications. But with the merits of the question we have nothing to do here; and we shall drop it after simply saying in decent justice to the accused (after having introduced this topic), that he returned to Virginia to occupy his former high social and legal position; and whatever his faults as a statesman, we do not believe that for a period long before his death, he rested under the suspicion of a single intelligent and candid acquaintance, of ever having been accessible to a bribe, or capable of any kind of official dishonor.

Hammond placed Fauchet's intercepted dispatch in the hands of Wolcott. What the Cabinet really thought of its contents, we cannot say. Perhaps, they believed Randolph had been engaged in a traitorous correspondence. At all events, like the "Popish Plot" in the reign of Charles II., when Dr. Titus Oates and some similar worthies flourished, it was too convenient a "*plaat*" to the witnesses, to be "*stoified*!" General Washington was at once sent for, from Mount Vernon. He hurried back to the capital, which he reached on the 11th of August. The matter was immediately disclosed to him, and the next day the Cabinet met and decided on the immediate ratification of the British treaty, Randolph alone opposing. This sudden termination of the matter and the effect on the President's mind produced by what he was evidently led to consider a most startling disclosure of French plotting and interfering in the very heart of the country, and with the highest offices of the Government, have been generally supposed to have an intimate connection.

Mr. Randolph remained in utter ignorance of what was suspended over him until the 19th, when, in a Cabinet meeting, Fauchet's dispatch was suddenly placed in his hands. Wolcott stood by as the witness, and he says that the accused Secretary "silently perused it with composure till he arrived at the passage which referred to his precious confessions, when his embarrassment was manifest." He again read the letter with "great attention," and having completed it, "he said with a smile which" Mr. Wolcott "thought forced:" "Yes, sir, I will explain what I know." He read it the third time by paragraphs, commenting on every part. Wolcott thought his remarks "very

desultory," and that he was "considering what explanations he should give of the most material passages!" We pass from this humiliating narrative.<sup>1</sup> Randolph resigned his office, and was succeeded by Pickering, whose place in the War department was filled by John McHenry, of Maryland.

Jay's treaty, as it was popularly called, was, soon after its conditional ratification by the Senate, made public by Mr. Mason, one of the Virginia senators, and was published in the *Aurora* on the 29th of June. It was received, at first, with an almost united roar of execration throughout the land. Many who had hitherto been leading Federalists, and still more who were grave, weighty, conspicuous men, previously not very particularly identified with either party, but understood to be well affected towards the Administration, were among its warmest denouncers. Judge Marshall says, "in fact, public opinion did receive a considerable shock, and men uninfected by the spirit of faction felt some disappointment on its first appearance."<sup>2</sup>

The storm first broke at Boston. An immense "town-meeting," in which Samuel Adams and other of the most prominent politicians, merchants,<sup>3</sup> etc., took part, unanimously denounced the treaty, and a committee of fifteen were appointed to state their objections to the President. They reported twenty objections to the meeting, which adopted them without debate; and they were forwarded by the town magistrates, to the President by express. An immense meeting assembled at New York (July 16th). The friends of the treaty, headed by Hamilton, appeared and made an effort to procure an adjournment. A fray ensued, and Hamilton was slightly wounded. A committee of fifteen, headed by Brockholst Livingston, the brother of Mr. Jay's wife,<sup>4</sup> reported twenty-eight condemnatory resolutions, at an adjourned meeting two days afterwards, and they passed without dissent. A great meeting at Philadelphia (July 24th)

<sup>1</sup> The reader who is curious to find Wolcott's entire statements (as well as most of the papers in the case, and as strong a presentation of the subject, against Randolph, as can be well made out), will find them in Gibbs's *Memoirs*, etc., vol. i. chap. ix. Wolcott's account is lively and interesting. His skill and point in describing, equalled his keen, cool, *feline* craft in action.

<sup>2</sup> *Life of Washington*, vol. ii. p. 364.

<sup>3</sup> Ames, to a correspondent, expressed the most bitter indignation at "the blindness and gullibility of the rich men, who suffered themselves to be made tools on this occasion."

<sup>4</sup> Both were the children of the late Governor William Livingston, of New Jersey. Brockholst Livingston was afterwards an associate justice of the U. S. Supreme Court.

appointed a similar committee at report to an adjourned meeting. Chief Justice McKean, Muhlenburg (late Speaker in Congress), Secretary Dallas, and other conspicuous citizens were on the committee. On the adoption of their report, the crowd proceeded to the house of the British Minister, where they burned a copy of the treaty amidst thundering acclamations.<sup>1</sup> At a similar meeting at Charleston, John and Edward Rutledge, General Gadsden, Johnson (afterwards Judge of the Supreme Court of the United States), the late Representatives of the State in Congress, and C. C. Pinckney, were appointed on a committee to express the public indignation; and all served in that capacity but the last named. Cæsar Rodney and John Dickinson participated in the anti-treaty proceedings at Wilmington. There were few cities in the United States where similar demonstrations were not made; and meetings were also held in various rural regions.

Not a distinguished Republican in the United States approved the treaty; and not a few of them were reported to have said or done things on the occasion which showed that they were not a little moved from their "propriety." The celebrated Langdon, of New Hampshire, was said to have condensed his argument and explanation in regard to the document (at a meeting at Portsmouth, we think), into the sententious remark that "'Tis a damned thing made to plague the French!"<sup>2</sup> Mr. Jay was in several places burnt in effigy.

The counter demonstrations in favor of the treaty were few and feeble. The New York Chamber of Commerce, and bodies principally of commercial men, in a few other places, memorialized the President in its favor, but we think not one imposing popular demonstration was made on that side.

The strength and violence of the torrent themselves led to a partial reaction. General Washington being now personally assailed, his immense popularity was directly thrown into the scale of the Federalists, who supported the treaty. He was now first avowedly and severely attacked, for an important

<sup>1</sup> Wolcott wrote the President, in regard to the Philadelphia meeting, that "Dr. Shippen was Chairman, and Dallas, Pettit, Swanwick, Muhlenburg, McClenachan, Baker and Judge McKean, ostensible leaders," "were mounted on a stage." The treaty was also burned in front of Bond's house and Senator Bingham's. "The French Minister" [Adet], says Wolcott, "denied himself to the mob, and had, he believed, conducted himself with strict propriety."—*Gibbs's Memoirs, etc.*, vol. i. p. 217.

<sup>2</sup> See Oliver Ellsworth's letter to Wolcott, in *Gibbs's Memoirs, etc.*, vol. i. p. 228.

measure imputed to himself;<sup>1</sup> and his old companions in arms, his Revolutionary comrades generally, and that portion of the rising generation who properly revered his great name, were painfully affected by these oftentimes harsh public strictures. The conservative men of the country became alarmed at such manifestations of alienation between the Government and people; and thousands who had not the least favor for the treaty, felt that it was necessary to rally around the Government, and arrest the torrent of popular excitement, for the purpose of ensuring stability at home, or avoiding a sudden and violent precipitation into the warlike struggle going on in Europe. The Government was, therefore, really rapidly gaining strength when it appeared stripped of all external support.

Mr. Jefferson fully shared in the general disapprobation of the treaty. In a letter to Mann Page—the first after his usual long summer silence—he thus alluded to it (August 30th):

"I do not believe with the Rochefoucaults and Montaignes, that fourteen out of fifteen men are rogues: I believe a great abatement from that proportion may be made in favor of general honesty. But I have always found that rogues would be uppermost, and I do not know that the proportion is too strong for the higher orders, and for those who, rising above the swinish multitude,<sup>2</sup> always contrive to nestle themselves into the places of power and profit. These rogues set out with stealing the people's good opinion, and then steal from them the right of withdrawing it, by contriving laws and associations against the power of the people themselves. Our part of the country is in considerable fermentation, on what they suspect to be a recent roguery of this kind. They say that while all hands were below deck mending sails, splicing ropes, and every one at his own business, and the captain in his cabin attending to his log-book and chart, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty. For my part, I consider myself now but as a passenger, leaving the world and its government to those who are likely to live longer in it."

It is not presumed that the word "rogue" is here applied to Mr. Jay in any personal sense; as mankind unfortunately consent to recognize a distinction between political and personal morality. But if Mr. Jefferson meant seriously and literally to apply the word "rogue" to Mr. Jay in any sense, the imputation, in our opinion, was utterly misplaced.

<sup>1</sup> Marshall says: "Previous to the mission of Mr. Jay, charges against the Chief Magistrate, though frequently insinuated, had seldom been directly made."—*Life of Washington*, vol. ii. p. 370.

<sup>2</sup> These words are undoubtedly used sarcastically, as a favorite term of his opponents. Had he not been habitually careless in punctuation, we should find quotation marks before and after the words.



On the 13th of September, Jefferson thanked Mr. Tazewell for a copy of the treaty received some days before, and it would seem that he was not even then aware that it lacked nothing but the action of the British Government to become a finality, for he hopes that the proceedings in regard to the 12th article may bring it again before the Senate, and give them an opportunity of "correcting the error into which their exclusion of public light has led them." He also

—"Hopes the recent insults<sup>1</sup> of the English will at length awaken in our Executive that sense of public honor and spirit, which they have not lost sight of in their proceedings with other nations, and will establish the eternal truth that acquiescence under insult is not the way to escape war."

In July, Hamilton had commenced publishing a series of articles in New York, over the signature of Camillus, in defence of the treaty. He put forth his full powers as a writer in them; and they extended to thirty-eight numbers, now covering three hundred and fifty-six pages in his Works.\* In regard to these, and the subject of them, Jefferson wrote Madison, September 21st :

"I send you by post the title page, table of contents, and one of the pieces, Curtius, lest it should not have come to you otherwise. It is evidently written by Hamilton, giving a first and general view of the subject, that the public mind might be kept a little in check, till he could resume the subject more at large from the beginning, under his second signature of Camillus. The piece called 'The Features of the Treaty,' I do not send, because you have seen it in the newspapers. It is said to be written by Coxe, but I should rather suspect, by Beckley. The antidote is certainly not strong enough for the poison of Curtius. If I had not been informed the present came from Beckley, I should have suspected it from Jay or Hamilton. I gave a copy or two, by way of experiment, to honest, sound-hearted men of common understanding, and they were not able to parry the sophistry of Curtius. I have ceased, therefore, to give them. Hamilton is really a colossus to the Anti-Republican party. Without numbers, he is a host within himself. They have got themselves into a defile, where they might be finished; but too much security on the Republican part will give time to his talents and indefatigableness to extricate them. We have had only middling performances to oppose to him. In truth, when he comes forward, there is nobody but yourself who can meet him. His adversaries having begun the attack, he has the advantage of answering them, and remains unanswered himself. A solid reply might yet completely demolish what was too feebly attacked, and has gathered strength from the weakness of the attack. The merchants were certainly (except those of them who are English) as

<sup>1</sup> This word is printed "results" in the Congress edition—an obvious typographical error.

\* Vol. vii. pp. 172-528.

open-mouthed at first against the treaty, as any. But the general expression of indignation has alarmed them for the strength of the Government. They have feared the shock would be too great, and have chosen to tack about and support both treaty and Government rather than risk the Government. Thus it is, that Hamilton, Jay, etc., in the boldest act they ever ventured on to undermine the Government, have the address to screen themselves, and direct the hue-and-cry against those who wish to drag them into light. A bolder party-stroke was never struck. For it certainly is an attempt of a party, who find they have lost their majority in one branch of the Legislature, to make a law by the aid of the other branch and of the Executive, under color of a treaty, which shall bind up the hands of the adverse branch from ever restraining the commerce of their patron-nation. There appears a pause at present in the public sentiment, which may be followed by a revulsion. This is the effect of the desertion of the merchants, of the President's chiding answer to Boston and Richmond, of the writings of Curtius and Camillus, and of the quietism into which people naturally fall after first sensations are over. For God's sake take up your pen, and give a fundamental reply to Curtius and Camillus. Adieu affectionately."

By the death of Mr. Bradford, August 23d, a vacancy was left in the office of Attorney-General. The President successively offered the post to John Marshall, Colonel Innes, and Charles Lee—all Virginians. The last accepted. He was a brother of Governor Henry Lee, and son-in-law of the late Richard Henry Lee.

Mr. Jefferson wrote his next political letter (November 30), in answer to one from Edward Rutledge. In it he anticipated, and expressed his views on, the very interesting question, so warmly mooted in the next Congress, and somewhat since, whether the House of Representatives may of right refuse to provide for the execution of treaties—or whether all power, direct or indirect, in regard to these instruments, is solely lodged in the President and Senate. He said :

"The present situation of the President, unable to get the offices filled, really calls with uncommon obligation on those whom nature has fitted for them. I join with you in thinking the treaty an execrable thing. But both negotiators must have understood, that, as there were articles in it which could not be carried into execution without the aid of the Legislatures on both sides, therefore it must be referred to them, and that these Legislatures being free agents, would not give it their support if they disapproved of it. I trust the popular branch of our Legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between England and the Anglomen of this country, against the Legislature and people of the United States."

The fact that the President and the two most important leaders of the Opposition resided in Virginia, gave a peculiar interest to its autumn elections, and to the subsequent proceed-

ings of its Legislature. The Federalists received some accessions, but they were decisively beaten. The House of Delegates elected Wood, Republican, Governor. A resolution, approving the conduct of the Virginia United States Senators in voting against Jay's treaty, was adopted two to one. Another, declaring undiminished confidence in the President, was negatived seventy-nine to fifty-nine; but a disclaimer of any imputation on his motives, passed seventy-eight to sixty-two. Resolutions passed proposing amendments of the Constitution to give the House of Representatives a part of the treaty making power—to shorten the Senatorial term to three years—to take from the Senate the trial of impeachments—and to disqualify judges of the Supreme Court of the United States from holding any other office. Among the minority in the House, were the Attorney-General, Charles Lee, and Mr. (afterwards Chief-Justice) Marshall. It is, perhaps, scarcely necessary to say that Mr. Jefferson in no wise interfered in these proceedings.

The fourth Congress met on the seventh of December. The opening speech of the President announced the conclusion of peace with the northwestern Indians on suitable terms; a treaty with Algiers; the near close of negotiations with Madrid for the cession of the navigation of the Mississippi; and, finally, the treaty with England. The address of the Senate, adopted by a vote of fourteen to eight, reëchoed the sentiments of the speech. That of the House, reported by Madison, Sedgwick, and Sitgreaves (the two last Federalists), pronounced the "unequalled spectacle of national happiness" exhibited by our country, due, in a good measure, to the President's administration; to "the undiminished confidence of his fellow-citizens;" and to "his zealous and successful labors in their service." Colonel Parker, of Virginia, moved to strike out the words "unequalled," and also the two latter clauses. A sharp debate ensued. The majority were for striking out, but to avoid a direct vote, which might be construed into an act of personal disrespect towards the President, the report was recommitted, and two members added to the Committee. The sentence, as subsequently reported and unanimously adopted, read as follows:

"In contemplating that spectacle of national happiness which our country exhibits, and of which you, sir, have been pleased to make an interesting summary,

permit us to acknowledge and declare the very great share which your zealous and faithful services have contributed to it, and to express the affectionate attachment which we feel for your character."

The treaty with Great Britain was not alluded to in any terms expressive of direct censure by the House—though their views in opposition to the policy which dictated it were not suppressed. After this, the session ran along quietly until March, no serious political demonstration being made by the victorious Republicans, although they were not left without some provocation, in the rejection by the Senate of the President's nomination of John Rutledge as Chief-Justice of the United States Supreme Court, in the place of Mr. Jay, on the almost openly avowed ground of his having participated in the Charleston meeting condemning Jay's treaty. He had been appointed in July, and presided at the August term of the Court, and, therefore, his rejection was accompanied with circumstances of double mortification.<sup>1</sup>

In regard to the so often perverted facts connected with the amendment of the reply of the House to the President's speech, Mr. Jefferson wrote to Mr. Giles, December 31st:

"Your favors of December the 15th and 20th came to hand by the last post. I am well pleased with the manner in which your House have testified their sense of the treaty; while their refusal to pass the original clause of the reported answer proved their condemnation of it, the contrivance to let it disappear silently respected appearances in favor of the President, who errs as other men do, but errs with integrity."

He commented in the same letter on "Randolph's Vindication," which had then appeared and was creating a good deal of public sensation. He thought it clearly acquitted him of bribery, though "those who knew him had done so from the first." He then analyzed its statements in the light of its assumption that its author had acted solely in reference to the right, and above party considerations, in the Cabinet. He declared that Randolph had been habitually vacillating and inconsistent; that had he adhered to his avowed principles in 1793, the President would not have been thrown into "an

<sup>1</sup> On the 27th of January, 1796, William Cushing, of Massachusetts, was nominated to the vacancy and confirmed by the Senate, but declined. Oliver Ellsworth was subsequently appointed.

habitual concert with the British and anti-Republican party," etc. The following sentences deserve notice :

"Were parties here divided merely by greediness for office, as in England, to take a part with either would be unworthy of a reasonable or moral man. But where the principle of difference is as substantial, and as strongly pronounced as between the Republicans and the Monocrats of our country, I hold it as honorable to take a firm and decided part, and as immoral to pursue a middle line, as between the parties of honest men and rogues, into which every country is divided."

The letter concludes :

"Our attentions have been so absorbed by the first manifestation of the sentiments of your House, that we have lost sight of our own Legislature; inasmuch, that I do not know whether they are sitting or not. The rejection of Mr. Rutledge by the Senate is a bold thing; because they cannot pretend any objection to him but his disapprobation of the treaty. It is, of course, a declaration that they will receive none but Tories hereafter into any department of the Government. I should not wonder if Monroe were to be recalled, under the idea of his being of the partisans of France, whom the President considers as the partisans of *war and confusion*, in his letter of July the 31st, and as disposed to excite them to hostile measures, or at least to unfriendly sentiments; a most infatuated blindness to the true character of the sentiments entertained in favor of France. The bottom of my page warns me that it is time for me to end my commentaries on the facts you have furnished me. You would, of course, however, wish to know the sensations here on those facts."

The anticipations in regard to Monroe proved prophetic. The mention of the President's considering the Republicans the "partisans of war and confusion," refers to a letter of his to Randolph of the date designated (July 31st), in which, after some severe comments on the conduct of those opposed to the treaty, General Washington said :

"In time, when passion shall have yielded to sober reason, the current may possibly turn; but in the meanwhile, this Government, in relation to France and England, may be compared to a ship between the rocks of Scylla and Charybdis. If the treaty is ratified, the partisans of the French, or rather of war and confusion, will excite them to hostile measures, or at least to unfriendly sentiments; if it is not, there is no foreseeing all the consequences which may follow, as it respects Great Britain."<sup>1</sup>

The last entry but one in Mr. Jefferson's account-book for 1795, shows that his "absorption" in the proceedings of the House of Representatives, did not permit him longer to content

<sup>1</sup> For the letter entire, see Sparks's Washington, vol. xi. p. 49.

himself with the slow coming and curt report of them to be found in his solitary Richmond newspaper. It is as follows:

"*December 26th.*—Inclosed B. F. Bache<sup>1</sup> for a year's Gazette to commence the first day of this month, an order on Barnes for eight dollars."

Here is a direct step back towards the haunts of public life—towards a reparticipation in the excitements and the struggles of politics!

Adet, the French Minister who succeeded Fauchet, as we have seen in a letter of Wolcott,<sup>2</sup> carefully avoided mixing in the anti-treaty demonstrations. Wolcott wrote his wife that he appeared "to be a mild-tempered and well educated man, and no Jacobin"—that "he imagined he would not be violent or troublesome, though there was reason to think that he would prosecute what he deemed the interest of his country with much sagacity."<sup>3</sup>

M. Adet was placed in a trying position to carry on diplomatic intercourse with temper and prudence, and his tone became warmer and more complaining. The American Government had just formed a treaty of amity and commerce with England, yielding neutral rights which were not conceded to France and was practically acquiescing in a regulation which did not allow the United States to sell provisions to France, when the latter was suffering from famine. Wolcott wrote Hamilton, July 10th, that Gouverneur Morris's family, then in Paris, consisting of fourteen persons, "were allowed two pounds of bread per diem."<sup>4</sup>

Monroe had been received in France with enthusiastic demonstrations of affection and respect. He had carried letters written by the President's order and based on a vote of both houses of Congress, expressing warm sympathy with the people and government of that nation. Introduced publicly to the National Convention (August 14th), its President, Merlin de Douay, received him with a fervid speech, and publicly embraced him. The Convention ordered the flags of the two Republics to be intertwined in their hall. Monroe presented the American colors, and received those of France in return.

<sup>1</sup> Benjamin Franklin Bache, grandson of Dr. Franklin, and editor of the *Aurora*.

<sup>2</sup> See note on page 266.

<sup>3</sup> Gibbs's *Memoirs*, etc., vol. i. p. 209.

<sup>4</sup> *Ib.* p. 211. Flour was then \$40, in specie, per barrel.

The Convention, on the representations of the American Minister, repealed (November 18th, 1794) its decree, passed in retaliation of the English orders in Council, subjecting provisions on board United States vessels to seizure and forced sale. Monroe, in pursuance of his instructions, vigorously pressed payment for the seizures already made. This was promised. Other negotiations took place, evincing friendly dispositions on both sides.

The French Government, however, manifested considerable jealousy on the subject of Jay's mission to England. Monroe's instructions had directed him to inform the French Government that the "motives" of that mission were to procure "immediate compensation for our plundered property, and restitution of the [northwestern] posts"—and that Mr. Jay was "positively forbidden to weaken the engagements between America and France." The American Minister understood this, it appears, too literally, for he assured the French Government that Mr. Jay "was strictly limited to demand reparation of injuries." That Government learned in December that Mr. Jay had concluded a treaty with England. On the 4th of the succeeding January, it promulgated a decree giving full force to its ancient treaty stipulations with our Government, on the subject of contraband and carrying enemies' goods, stipulations which famine at home and our submission to the British Orders in Council, had induced it to violate.

Monroe's permitting the French Government to lavish such warm attentions on him—and his meeting it half way in friendly professions—gave great offence to a majority of the Cabinet. They thought this was exhibiting a very undue and Jacobinical partiality for that power over England, and that it might give offence to the latter. The Secretary of State, Pickering, was a fanatical hater of France, and proportionably an adulator of England. He wrote an angry dispatch to Monroe, censuring him for not understanding a good deal not in his instructions, and which would appear contrary to the ostensible purport and spirit of those instructions. The latter, in his "View of the Conduct of the Executive in the Foreign Affairs of the United States," said :

"In this he [the Secretary of State] notices my address to the Convention ; and also my letter to the Committee of Public Safety of the 3d of September following ;

both of which acts he censures in the most unreserved and harsh manner. In the first he charges me with having expressed a solicitude for the welfare of the French Republic in a style too warm and affectionate, much more so than my instructions warranted; which, too, he deemed the more reprehensible, from the consideration, that it was presented to the Convention in public, and before the world, and not to a committee in a private chamber; since thereby, he adds, we were likely to give offence to other countries, particularly England, with whom we were in treaty; and since, also, the dictates of sincerity do not require that we should publish to the world all our feelings in favor of France."—P. 23.

Monroe made some other statements, to which we desire especially to call attention, for the purpose of exhibiting President Washington's personal feelings towards France:

"My instructions enjoined it on me to use my utmost endeavors to inspire the French Government with perfect confidence in the solicitude which the President felt for the success of the French Revolution, of his preference for France to all other nations as the friend and ally of the United States; of the grateful sense which we still retained for the important services that were rendered us by France in the course of our Revolution; and to declare in explicit terms, that although neutrality was the lot we preferred, yet in case we embarked in the war, it would be on her side and against her enemies, be they who they might."—Pp. 4, 5.

Mr. Sparks, in his edition of the Writings of Washington (vol. xi. p. 504. *et seq.*), has given a "selection" from "marginal notes in the handwriting of General Washington" on a copy of Monroe's "View," which he says was found "in the library at Mount Vernon." Mr. Sparks remarks that these notes "seem to have been intended by the writer as a vindication of his own conduct against certain statements made in the 'View.'" They were evidently written under the influence of very strong feelings. Mr. Monroe's propriety of conduct, and even his veracity, are repeatedly called in question. Appended to the above extract from the "View," were the following comments:

"And is there to be found in any letter from the Government to him a single sentiment repugnant thereto? On the contrary, are not the same exhortations repeated over and over again? But could it be inferred from hence, that, in order to please France, we were to relinquish our rights and sacrifice our commerce?"

These remarks of General Washington contain no denial of Monroe's accuracy in giving the purport of his instructions, wherein he was authorized to declare the President's views; but, on the contrary, an implied assent to their accuracy. We shall have occasion to resume this subject presently.



Monroe also had some misunderstandings with Mr. Jay before the latter left England. Mr. Jay refused to send him a copy of the English treaty, though Monroe requested it and sent a confidential agent to England to procure it—his object being to apprise the French Government of its contents, apparently in full confidence that these would be of a nature to allay all disquieting suspicions. Mr. Jay refused also to disclose its contents, except in confidence. He authorized his own secretary, who was about to pass through Paris on his way to Strasbourg, to make a confidential communication to Monroe. The latter refused to receive it.

As soon as the treaty of London was communicated to M. Adet, the French Minister in the United States, he complained of it to our Government, as in various particulars unjust and unequal to his country, and an infraction of the existing treaty with France. He claimed that the hospitality stipulated for British ships of war, was at variance with the restrictions on enemies of France contained in the 17th article of that treaty. He claimed that the stipulation in the English treaty to make no new ones inconsistent with its provisions, would prevent the negotiation of a new treaty of commerce with France. But the great point of his complaint was the manifest advantage given to England by the stipulations in regard to the manner in which the two nations should be required to respect the maritime rights of the United States.

To our urgent claim, and making a vast concession to our interests, France, in the Treaty of 1778, admitted the principle that the friendly flag should protect enemies' property—or, more comprehensively stated, that free ships should make free goods. This treaty was made with a nation waging, at the time, a great national war in our behalf. It was the oldest treaty of the United States, and entitled, therefore, by well settled principles, to take preference over any later compact of the same nature, unless destroyed by war or terminated by mutual consent. Nothing looking towards war had relaxed its obligations. France had continued our benefactor from 1778 down to 1797, except in some spoliations on our commerce, made under circumstances already stated, and not comparing in extent with those made by England during the same period, and continued since our late treaty of amity and commerce with

ner. France had promised to discontinue and make reparation for these spoliations on her part.

When the treaty of 1778 was made, England was attempting our subjugation. It was years after the Peace before she condescended to send a minister to our shores. She held our northern territory. She impressed our seamen. She violated our commerce. She refused to even confer with us on the subject of a commercial treaty. Her press, and Government and people held us up to the scorn and derision of Europe as a nation of swindlers. She engaged in a deadly war with France. We took no part in it. She claimed an equality of treatment in our harbors and on our coasts, and admitted she received it. She impressed our seamen more than before, having need of them to fight our national ally. She devised new Orders in Council to sweep our commerce from the ocean. She interpolated a new and barbarous clause into the code of international law, making provisions contraband of war, and defiantly put it into force in regard to ourselves. At this point we sent a special minister to her to solicit a treaty, and selected the highest law officer of the Republic to give dignity to the appointment. She suspended neither impressments nor her original Orders in Council during the progress of the negotiations. She refused to insert in the treaty any stipulation against the continuance of either of these kinds of aggression. While its ratification was pending in the United States, she grossly insulted us by an attempt to seize the person of the Ambassador of France within our jurisdiction. She renewed her Provision Order. She pushed her exactions and aggressions to such a limit, that Hamilton himself bitterly complained that "we were exposed to suffer inconveniences too nearly approaching a state of war!"

The practical effects of the Treaty of 1778 and of the Treaty of London, were comparatively these. France must accord us the respect due to an independent nation, for she had so agreed. She must respect our neutral flag though it covered the goods of her enemy England, because it was so nominated in the bond. England must not be required to treat us as an independent nation, because she would sooner fight than do so. She must not be required to cease robbing us of our citizens and property for the same reason. She must be allowed to take French goods from under the flag which protected English goods from France.

because she would agree to nothing else. She must be allowed to prevent us from exporting provisions to famine-stricken France, because such was her will and her interest. As the price of these endurances, and of our stipulating to make no engagements inconsistent with ours to her, she conceded to us our own northern posts, and by a no means liberal commercial treaty—a treaty not comparing in the liberality of its provisions with what France sent as a voluntary and purely free gift when she sent Genet to our shores.

Pickering and that class of politicians had a ready way of answering Adet's complaints to their consciences and to the country. What France had done, she had done. It was a "bargain," and one of her own making, and she must keep the bond! It was a shame and a disgrace—cowardly and servile—to talk of national gratitude! It was but the pretence of affiliated Jacobinism! France had not fought for us: she had only used us to wreak her own ancient hate on England. Lafayette giving his patrimony to feed and clothe our perishing troops, and flying with them from covert to covert during the fiery pursuit—D'Estaing bleeding on the parapets of Savannah—Rochambeau and De Grasse leading the armies and navies of France to hem in Cornwallis at Yorktown—were but the instruments of French despotism against "the best Government on earth." If solemn votes of Congress, if warmly-worded dispatches of Washington, if the tears and thanks of a nation, had expressed gratitude as if for a genuine and all-important obligation, they had been but the effusions of unsophisticated credulity, or the legitimate pretences necessary to carry through "a good bargain." If France had shown lenity on our debts after the war, and lent us more money—if she had constantly exhibited a preference for us over other nations in commerce—if she had finally given us almost the privileges of her own citizens—if she had stood as our only safeguard against another attack from England and very recently from an Anglo-Spanish alliance—if she had voluntarily released us from our West India guaranty in the existing war, to "leave" us "to pursue our happiness and prosperity in peace," while she plunged into the combat with banded Europe—if she had lately received our Minister with the most extravagant displays of affection—what were all these but cunning wiles to render us a dependent and subser-

vient nation? Was it not shameful to pretend that these things gave her any pretence for questioning our right to make any arrangements we saw fit with England? Had we not, as a free and independent nation, an undoubted moral and political right to make any "bargain" for our own benefit, notwithstanding it should be, by treaty stipulations or omissions, to give actual and important advantages to England while at war with France? Should not France be compelled to make prompt reparations for her spoliation, and was it anything to her whether we permitted England to continue such spoliation for the purpose of deepening the horrors of famine in France? Was there not a "French party" in the United States, headed by Jefferson, and Madison, and Samuel Adams, and George Clinton, who were for humiliating us at the footstool of a foreign power?

We hurry on to the next conspicuous act in the international drama. The flag sent by the French Committee of Safety to the United States was delivered to the President on the 1st day of January, 1796, by M. Adet, in a speech, in which he declared that his country "assimilated to, or rather identified with free people by the form of her Government, saw in them only friends and brothers. Long accustomed to regard the American people as her most faithful allies, she sought to draw closer the ties already formed in the fields of America, under the auspices of victory, over the ruins of tyranny."

The following was the President's glowing reply:

"Born, sir, in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country; my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whenever, in any country, I see an oppressed nation unfurl the banner of freedom. But above all, the events of the French Revolution have produced the deepest solicitude, as well as the highest admiration. To call your nation brave, were to pronounce but common praise. Wonderful people! Ages to come will read with astonishment the history of your brilliant exploits! I rejoice that

<sup>1</sup> We have forgotten to mention that the Pickering school of politicians contended that we had made a full indemnification to France, for allowing England to violate our neutral flag, by leaving to France the right of seizing American goods in enemy's vessels! Judge Marshall, in defending our Government from Adet's complaint on this subject, omits, we believe, all mention of this counterbalancing advantage. He does not descend to the particulars of justification, but disposes of the case by concisely saying: "No demonstration could be more complete than the fallacy of this complaint. But the American Government discovered a willingness voluntarily to release France from the pressure of a situation in which she had elected to place herself." (Marshall's Washington, vol. ii. p. 393.) It is clearly unnecessary, and we believe lawyers consider it inexpedient, to enter upon specifications, where fallacy is as apparent as demonstration can make it!

the period of your toils and of your immense sacrifices is approaching. I rejoice that the interesting revolutionary movements of so many years have issued in the formation of a constitution designed to give permanency to the great object for which you have contended. I rejoice that liberty, which you have so long embraced with enthusiasm; liberty of which you have been the invincible defenders, now finds an asylum in the bosom of a regularly organized government; a government which, being formed to secure the happiness of the French people, corresponds with the ardent wishes of my heart, while it gratifies the pride of every citizen of the United States by its resemblance to their own. On these glorious events, accept, sir, my sincere congratulations.

*"In delivering to you these sentiments, I express not my own feelings only, but those of my fellow citizens in relation to the commencement, the progress, and the issue of the French Revolution; and they will cordially join with me in purest wishes to the Supreme Being, that the citizens of our sister Republic, our magnanimous allies, may soon enjoy in peace, that liberty which they have purchased at so great a price, and all the happiness which liberty can bestow.*

"I receive, sir, with lively sensibility, the symbol of the triumphs, and of the enfranchisement of your nation, the colors of France, which you have now presented to the United States. The transaction will be announced to Congress, and the colors will be deposited with those archives of the United States, which are at once the evidences and the memorials of their freedom and independence. May these be perpetual, and may the friendship of the two Republics be commensurate with their existence."

Nor did this official demonstration of national sympathy stop here. In the House of Representatives a resolution was unanimously passed in these words:

*"Resolved, That the President of the United States be requested to make known to the representatives of the French people, that this House has received, with the most lively sensibility, the communication of the Committee of Public Safety, of the 21st of October, 1794, accompanied with the colors of the French Republic, and to assure them that the presentation of the colors of France to the Congress of the United States is deemed a most honorable testimony of the existing sympathy and affections of the two republics, founded upon their solid and reciprocal interests; that the House rejoices in the opportunity of congratulating the French Republic on the brilliant and glorious achievements accomplished under it during the present afflictive war, and that they hope those achievements will be attended with a perfect attainment of their object, the permanent establishment of the liberty and happiness of that great and magnanimous people."*

In the Senate, a resolution of corresponding tenor was presented, also requesting the President to communicate it to the French Government. An amendment was offered to strike out the last clause. This was made a party question, and after a sharp debate, the amendment was carried by the Federalists.

It is easy to conjecture on what grounds the Federal minority

in the House of Representatives voted for a resolution, to vote against which, on this occasion, would have by implication cast a direct censure on the President's reply to Adet, and this, too, at a period when that minority had come to claim that it was not only the "Administration party," but that it comprised the exclusively trusted political friends of the President. It is easy to conjecture why a Federal majority in the Senate should have felt the necessity of acquiescing in the same course to an extent sufficient to save appearances, and yet let its genuine feelings towards France break out in the vote on the amendment.<sup>1</sup>

Nor would it be difficult to imagine at just such a juncture, charged with a recent act of undue partiality to England and unfriendliness to France—and when the treaty of London was about to run the gauntlet of a Republican House of Representatives—that the President should have used pretty high-colored language of official courtesy, in accepting the banner of France from the hands of Adet. Indeed, by common consent, there may always be, in diplomatic language, a certain latitude of friendly profession, which is construed to have no definite meaning beyond the conventional expression of friendly civility. But there are some limits required by custom and by decency, in even diplomatic exaggeration. Those limits are undeniably reached, when every conventional expression demanded by custom to evince civility and friendly regard is fully exhausted. To go beyond this into specific, insincere assertions, and to seek to give them additional force by warm declarations of concurring personal feelings and wishes, is gratuitous, and becomes as much an intentional and improper attempt at deception in diplomacy, as if the misrepresentation was made in the intercourse of private life.

General Washington would never have been guilty of an approach to this kind of deception. Anybody who has read the preceding reply to Adet, will want no proof that it was not

<sup>1</sup> And with the exception of John Adams, they generally felt a correlative admiration for England. Mr. Adams's admiration stopped with the political system—even that he thought could be improved. But his feelings against France and its revolution were, nevertheless, as strong as those of his political associates.

He who would test the accuracy of the views we have here taken of the feelings of the Federal leaders, has the most ample opportunities for so doing in the now published Works of John Adams, Hamilton, Wolcott, Ames, etc. etc. Ames's lamentations, of which we have given some specimens, had, anterior to this epoch, reached their full flow! Of the Federal leaders, whose works have not been separately published, numerous glimpses will be found in their letters, in Gibbs's Memoirs of the Administrations of Washington and John Adams, and in Hamilton's Works. Never did picture galleries preserve main characteristic lineaments better.

imposed on him by a majority of his Cabinet—that it was gall and wormwood to that majority.<sup>1</sup> In any case, he voluntarily made himself responsible to truth and to history. Can any one point out an instance where to attain a diplomatic object, or serve a personal turn, this great and pure statesman stooped to misrepresent not only his country's but his own opinions and feelings? Is there any specimen extant of an affirmative and gratuitous string of warmly-worded, hollow allegations, on his part, which would scandalize the memory of any potentate of Christendom, hardly excepting the Emperors of the lower Greek Empire, or the former petty princes of northern Italy, who studied their State maxims in the pages of Machiavel's *Il Principe*? Did not General Washington also admit in his "notes" on Monroe's "View," that he had instructed that Minister to express corresponding official and personal sentiments towards France?

What is the inference to be drawn from all these facts? Clearly and unmistakably, in our judgment, that the President's declarations to Adet were sincere. He felt the doubts and fears in respect to the event of things in France he had expressed to Jefferson,<sup>2</sup> but in his heart he felt towards France what he solemnly declared on this occasion. The reply to Monroe shows—it avows—his causes of dissatisfaction with that power. None of these were political—none of them imply that sympathy or partiality for England scarcely disguised by a majority of his Cabinet, and by nearly all the chiefs of the party who had supported his Administration during the late crisis. If General Washington, as the Republicans asserted, heard but one side—if he was surrounded by a Cabinet who colored and distorted every fact in regard to our relations with France and England—if he was led to misapprehend the respective character of those relations—who had the Republicans to thank for it, in part, but themselves? Had they not refused his solicitations to fill seats

<sup>1</sup> Unless they (Pickering, McHenry and Wolcott) were ready for political effect, at the moment, to sanction sentiments directly at variance with their well-known opinions. It is due to them to say that the reader who studies the minute history of the period, will, we think, be satisfied that the Cabinet could never have sanctioned the President's speech to Adet. It was not probably submitted to their advice.

<sup>2</sup> It would be reasonable to suppose he put these sentiments in their strongest light before Jefferson, as we find him more bitterly complaining of the conduct of England to Hamilton than to the former. The motive for this, where it was his object to moderate the feelings and actions of the sides, and preserve a middle and prudent ground, would be obvious.

in his Cabinet? Had they not taken an attitude of uncompromising opposition to a purely Executive measure to which he was committed, which could not be fairly said to be political in its bearing, and which was in every respect legitimate and honorable in the light of an experiment?

They had a right to differ with him in regard to the ratification of the treaty. But had they any right, as sensible men, because he presumed to differ with them on that subject, to impeach his political motives? Had they any right, as prudent politicians, to force him into an attitude of party antagonism, by treating him as a party opponent? General Washington was literally forced out of his neutrality, and into the arms of a party who never agreed with his principles, or his cardinal maxims of practical policy. He was thrown among men who had one creed when they addressed him, and a totally different one when they privately addressed each other. The prestige of his great name was wantonly or most foolishly thrown away; the oracle was surrendered to false pythonesses, who would make its sanctity the authority for their own designing responses. All this we aver the Republicans brought upon themselves by a zeal which was too hot to be controlled by prudence and decorum. They rushed upon the buckler of the giant, and they and their country dearly paid the consequences!

The reaction caused by the attacks of the Republicans on the President set its first currents against Monroe. Pickering sounded the charge. As true, as brave, as high principled, and as patriotic a man as there was in the United States, was denounced everywhere by the Federalists in language, much of which could only apply to a knave without any ties or pride of country, and presenting about an equal compound of the fool and the ruffian. General Washington's strictures have been alluded to. We will not farther recall them. They were made in moments of excitement, when Pickerings and Wolcotts were acting as the informers and witnesses. Had Washington lived longer, he would have recalled his imputations on an integrity which in spotlessness resembled his own. They were not unusual specimens of the tone of our early partisan conflicts. John Adams wrote Elbridge Gerry, from the Presidential chair, May 30th, 1797:

"I had no share in the recall of Monroe, and therefore am not responsible for



the reasons of it. But I have heard such reports of his own language in France at his own table, and the language of those he entertained and countenanced, and of his correspondences with Bache, Beckley, etc., and his communications through the *Aurora*, that I wonder not at his recall. His speech at his audience of leave is a base, false, and servile thing. Indeed, it was Randolph who appointed him. He was, in Senate, as dull, heavy, and stupid a fellow as he could be consistently with malignity and inveteracy perpetual. A more unfit piece of wood to make a Mercury could not have been culled from the whole forest."

And Mr. Adams then goes on to hint that by some means, not explained, but clearly not honest ones, Monroe's "confidential correspondents and intimate acquaintances" have suddenly become rich, and "roll in wealth!"<sup>1</sup>

It presents a curious specimen of human, and particularly of political "sea change," to snatch a glimpse down the future and see Mr. Adams, as a member of the Electoral College of Massachusetts, voting for this stupid and malignant if not corrupt "fellow" for President of the United States. Nor shall the Colossus, rampant or couchant, in this instance monopolize the inconsistency. We shall see the whole party which now denounced Monroe so violently, not only for his conduct in France, but for defending himself against the censures of the Cabinet, also supporting him for a second Presidency, with the talismanic words, "The Washington-Monroe Policy," inscribed on their party banners.

But Monroe was not long the most prominent object of attack during the events we have been describing. A mightier form loomed up on the same side, amidst the smoke of the conflict. The press poured its steady volleys on him. Champions sought fame by individually and rancorously assailing him. Reptiles were fostered and caressed because they transcended all the decencies of previous party warfare, to pour out disgusting calumnies on his private character. The hasty and angry words of his contemporaries against each other and against him, have been passed over by those who have picked up and perpetuated every warm phrase of his to prove his bitterness of heart, and his personal hostility towards great and good men from whom he chanced to be separated in those warm political contests! The faults of the CREED are still avenged on the head of its PROPHET!

<sup>1</sup> For this letter entire, see APPENDIX, No. 13.

## CHAPTER VI.

1796.

Treaty of London returned ratified—President proclaims it as in full force, without awaiting any Action of the House of Representatives—Dissatisfaction of the Republican Members—Livingston's Resolution calling for the Papers, and its Amendments—President refuses to send them—Kitchell's Resolutions—Supported by Madison—They pass by a strong Vote—Jefferson's Views—Resolution for carrying the Treaty into effect—Federal Threats—The Debate—Reaction out of Congress, and the Causes of it—Dearborn's Preamble—Preamble rejected and Resolution passed by very close votes—Jefferson's Letter to Mazzei—An Account of Mazzei—Letter to Monroe—Efforts to personally alienate Washington and Jefferson—General Lee's Agency in this—Expediency and Effects of Treaty of London considered—Domestic Affairs at Monticello—Duke of Rochefoucauld-Liancourt's Visit to Monticello—His Journal of his Visit—Comments and Explanations—Jefferson's Plow of least resistance—Rittenhouse's Opinion of it on Mathematical Principles—Sir John Sinclair asks a Model and Description—Prizes bestowed on it in France—Was Jefferson the First Discoverer of the Mathematical Principle?—His usual Practical Ingenuity—His House-building—Fall Elections—Occupations and Expenses of a Presidential Candidate in 1797—Jefferson professes to be gratified at his Defeat—What right had he to feel thus?—The Method of Voting—The Number of Votes for the various Candidates—Adams President and Jefferson Vice-President—Jefferson's Letters to Madison and Adams given from Memory in his Works—History of the Recovery of the Originals—The Originals given—Explanation of Jefferson's Willingness to have Adams succeed—Adams's Political Attitude at the Moment—His own Testimony on the Subject—He made the First Practical Overture to the Republicans—Madison's Testimony—Testimony of the Hamiltonians—The Conclusion—Fortunate that the Union failed—Jefferson discovers his Error—A Prophetic Political Idea.

THE treaty of London was a long time in returning with the ratification of the British Executive. In the meantime the Republican majority in the House of Representatives, though challenged to an exhibition of their strength by the rejection of Rutledge for the chief-justiceship, undeniably on no other ground than his participation in the anti-treaty demonstration at Charleston, remained quiet, committing themselves to no decisive line of action.<sup>1</sup>

<sup>1</sup> This was distinctly conceded by the leading Federalists. See Uriah Tracy to Oliver

The ratified treaty came back in February, 1796. The President immediately, by an official proclamation, announced it a supreme law of the land, sending a copy of this proclamation to each House of Congress. This necessarily implied that the Executive had decided the mooted point that the instrument went into full force without any action on the part of the House of Representatives—that the latter body had no option but to concur in the legislation necessary to carry out its provisions.

This action of the Executive was not received with satisfaction by the Republican members. They claimed that the exercise of such authority practically gave the President and Senate complete power to regulate commerce, a power which the Constitution had vested in Congress collectively. They insisted that if making any topic of administration the subject of a treaty stipulation, thereby precluded the popular branch of Congress from exercising any further discretion concerning it, the President and Senate might thus legally absolutely control almost any external or even internal measure of Government; that they might thus, in effect, constitute themselves *the* Government, and make the representatives a mere subsidiary body, vested with high separate functions only by fictions of the Constitution, inserted to gratify popular fancies, but meaning nothing. If these positions were well taken, it might be said, indeed, these fictions had a further purpose—to attain the nominal and legal assent of the people to great public measures where really their direct representatives had no voice, but played a part analogous to that of a French *Lit de Justice*<sup>1</sup> or the representatives of the English burgesses in the parliaments of Edward IV.

On the 2d of March, Edward Livingston of New York offered a resolution that the President of the United States be requested "to lay before the House a copy of the instructions given to the Minister of the United States, who negotiated the

Wolcott, senior, February 10, 1796, and Channcey Goodrich to same, February 21, in Gibbs's *Memoirs*, etc., vol. i. pp. 298, 304.

<sup>1</sup> If the Parliament declined to enregister a royal edict, the King issued *Lettres de jussion*, and if they failed to produce obedience, he held a *Lit de Justice*, or "Bed of Justice." The King, Princes of the blood, Peers, State and Crown officers, proceeded to the Parliament, and sitting upon the throne (anciently called *Lit* from its cushions), ordered the Parliament to enregister the edict in the royal presence. The Parliament was then compelled to submit, or it might be punished for its contumacy.

treaty with Great Britain, communicated by his message on the 1st instant, together with the correspondence and other documents relative to the said treaty."<sup>1</sup> On the 7th, Livingston proposed to amend this by adding the words: "excepting such of the said papers as any existing negotiation may render improper to be disclosed."<sup>2</sup> Mr. Madison moved in the place of this: "except so much of said papers as in his judgment it may not be consistent with the interest of the United States at this time to disclose." This modification was rejected by a majority of ten.<sup>3</sup> On the 24th, the resolution, as amended by its mover, passed by the strong vote of sixty-two to thirty-seven—absent five.<sup>4</sup>

On the 30th, the President sent a message to the House, refusing to comply with its resolution on the ground that such requests might lead to embarrassments in negotiations and to impolitic disclosures; that it "did not occur [to the Executive] that the inspection of the papers asked for could be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment, which the resolution had not expressed;" and then the President proceeded from his knowledge as a member of the Federal Convention, and from various other considerations, to show that "it was perfectly clear to his understanding" that the power of making treaties was exclusively vested in the President and Senate; and "that the assent of the House of Representatives was not necessary to the validity of a treaty." Considering it, he said, "essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved—a just regard to the Constitution, and to the duty of his office, under all the circumstances of this case, forbade a compliance with their request."<sup>5</sup>

<sup>1</sup> Annals of the Congress of the United States, 1795-8, p. 400. As we shall have frequent occasion to cite this publication, we will say that we refer to the work whose more particular designation is "The Debates and Proceedings in the Congress of the United States, etc. etc., compiled from authentic materials. Washington, printed and published by Gales and Seaton, 1849."

<sup>2</sup> *Ib.* 424.

<sup>3</sup> *Ib.* 438.

<sup>4</sup> *Ib.* 760. All the Virginia members voted for the resolution, namely, Richard Brent, Samuel C. Cabell, Thomas Claiborne, John Clopton, Isaac Coles, William B. Giles, George Hancock, Carter B. Harrison, John Heath, George Jackson, James Madison, Andrew Moore, Anthony New, John Nicholas, John Page, Josiah Parker, Francis Preston, Robert Rutherford, and Abraham Venable.

<sup>5</sup> See Annals of Congress, 1795-8, p. 760.

Judge Marshall thus forcibly and accurately describes the effect of this message :

"The terms in which this decided, and it would seem, unexpected negative to the call for papers was conveyed, appeared to break the last cord of that attachment which had hitherto bound some of the active leaders of the opposition to the person of the President. Amidst all the agitations and irritations of party, a sincere respect and real affection for the Chief Magistrate, the remnant of former friendship, had still lingered in the bosoms of some who had engaged with ardor in the political contests of the day. But, if the last spark of this affection was not now extinguished, it was at least concealed under the more active passions of the moment."<sup>1</sup>

Resolutions were the next day introduced by Kitchell of New Jersey, declaring "as the opinion of this House, the Constitution has vested the power of making treaties exclusively in the President and Senate, and that the House of Representatives do not claim any agency in making or ratifying them when made;" but "when a treaty is made, which requires a law or laws to be passed to carry it into effect, that, in such case, the House of Representatives have a constitutional right to deliberate and determine the propriety or impropriety of passing such laws, and to act thereon as the public good shall require."<sup>2</sup>

Mr. Madison supported these resolutions in a speech, elaborately reviewing the constitutional questions involved. They passed by a vote of fifty-seven to thirty-five. Seven members were absent on the vote, six of whom, says the *Annals of Congress*, "it was understood would have voted for the resolutions, had they been present," and one was "probably against the resolutions."<sup>3</sup> This would have made the vote stand sixty-three to thirty-six.

We have seen Mr. Jefferson's views, in advance, on the main point involved; but he appears to have written very little on the subject, during the discussions in Congress. Several letters from him to members of that body do not allude to it. But that he fully approved of the stand made by the House, and partook deeply in the apprehensions of the hour, in regard to the

<sup>1</sup> *Life of Washington*, vol. ii. p. 382.

<sup>2</sup> *Annals of Congress*, 1796-6, p. 769.

<sup>3</sup> *Ib.* p. 783. This does not include four who were absent on leave—of whose preferences nothing is said. One of the four was Kitchell, the mover of the resolutions. All the Virginia members we have before named as voting for Livingston's resolution, voted for these, but Brent, Claiborne and New, who were absent, and who are among those who the *Annals of Congress* state it was understood would have voted for Kitchell's resolutions, had they been present.

growth of the Executive authority, appears by a letter to Mr. Madison of March 27th. He wrote :

"According to the rule established by usage and common sense, of construing one part of the instrument by another, the objects on which the President and Senate may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the Legislature, is large enough : and I see no harm in rendering their sanction necessary, and not much harm in annihilating the whole treaty-making power, except as to making peace. If you decide in favor of your right to refuse coöperation in any case of treaty, I should wonder on what occasion it is to be used, if not in one where the rights, the interest, the honor and faith of our nation are so grossly sacrificed ; where a faction has entered into a conspiracy with the enemies of their country to chain down the Legislature at the feet of both ; where the whole mass of your constituents have condemned this work in the most unequivocal manner, and are looking to you as their last hope to save them from the effects of the avarice and corruption of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the only honest man who has assented to it. I wish that his honesty and his political errors may not furnish a second occasion to exclaim, 'curse on his virtues, they have undone his country.'"

He had written the same a few days earlier (6th), complaining of the condition of the public finances, and expressing views in regard to the financial abilities of the late Secretary of the Treasury, which some, perhaps, will be disposed to regard as peculiar :

"I do not at all wonder at the condition in which the finances of the United States are found. Hamilton's object from the beginning, was to throw them into forms which should be utterly undecypherable. I ever said he did not understand their condition himself, nor was able to give a clear view of the excess of our debts beyond our credits, nor whether we were diminishing or increasing the debt. My own opinion was, that from the commencement of this Government to the time I ceased to attend to the subject, we had been increasing our debt about a million of dollars annually. If Mr. Gallatin would undertake to reduce this chaos to order, present us with a clear view of our finances, and put them into a form as simple as they will admit, he will merit immortal honor. The accounts of the United States ought to be, and may be made as simple as those of a common farmer, and capable of being understood by common farmers."

The same letter contains the following striking expressions on a resolution which had been offered by Mr. Madison for an inspection and survey of a post-road from Maine to Georgia.

"Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the Executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post office revenues ; but

the other revenues will soon be called into their aid, and it will be a source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest. We have thought, hitherto, that the roads of a State could not be so well administered even by the State Legislature as by the magistracy of the county, on the spot. How will they be when a member of New Hampshire is to mark out a road for Georgia? Does the power to *establish* post roads, given you by the Constitution, mean that you shall *make* the roads, or only *select* from those already made, those on which there shall be a post? If the term be equivocal (and I really do not think it so), which is the safest construction? That which permits a majority of Congress to go to cutting down mountains and bridging of rivers, or the other, which if too restricted may be referred to the States for amendment, securing still due measures and proportion among us, and providing some means of information to the members of Congress tantamount to that ocular inspection, which, even in our county determinations, the magistrate finds cannot be supplied by any other evidence? The fortification of harbors was liable to great objection. But national circumstances furnished some color. In this case there is none. The roads of America are the best in the world except those of France and England. But does the state of our population, the extent of our internal commerce, the want of sea and river navigation, call for such expense on roads here, or are our means adequate to it? Think of all this, and a great deal more which your good judgment will suggest, and pardon my freedom."

In a letter to Mr. Giles, March 19th, he alludes sarcastically to a bill, said to have been contemplated by one of the Federal "great men," Theodore Sedgwick:

"We are in suspense here to see the fate and effect of Mr. Pitt's bill against democratic societies. I wish extremely to get at the true history of this effort to suppress freedom of meeting, speaking, writing, and printing. Your acquaintance with Sedgwick will enable you to do it. Pray get the outlines of the bill he intended to have brought in for this purpose. This will enable us to judge whether we have the merit of the invention; whether we were really beforehand with the British Minister on this subject; whether he took his hint from our proposition, or whether the concurrence in sentiment is merely the result of the general truth that great men will think alike and act alike, though without intercommunication. I am serious in desiring extremely the outlines of the bill intended for us."

Another passage in the same letter expresses a degree of moderation towards England on the vexed question of impressments, which now fills us with astonishment; but it was the extent to which President Washington's Cabinet had gone in their demands, when Jefferson was a member of it; and Mr. Pinckney had been instructed to "insist" upon it, and "to accept nothing short of it!" This furnishes another proof not only of the habitual exorbitant claims of that nation where we were concerned, but of the spirit of acquiescence, on some ques-

tions, which even the bravest were disposed to exhibit, to avert another struggle with that dreaded power.

"From the debates on the subject of our seamen, I am afraid as much harm as good will be done by our endeavors to arm our seamen against impressments. It is proposed to register them and give them certificates. But these certificates will be lost in a thousand ways: a sailor will neglect to take his certificate: he is wet twenty times in a voyage: if he goes ashore without it, he is impressed: if with it, he gets drunk, it is lost, stolen from him, taken from him, and then the want of it gives authority to impress, which does not exist now. After ten years' attention to the subject, I have never been able to devise anything effectual, but that the circumstance of an American bottom he made *ipso facto*, a protection for a number of seamen proportioned to her tonnage; that American captains be obliged, when called on by foreign officers, to parade the men on deck, which would show whether they exceeded their own quota, and allow the foreign officer to send two or three persons aboard and hunt for any suspected to be concealed."

Mr. Jay's treaty had made concessions on other subjects which it has appeared did not quite satisfy himself, and which were condemned by Washington, Hamilton, and probably every man of spirit even among the defenders of the instrument; and it had not obtained a particle of modification, either in promise or practice, of the authority exercised by England to board our ships in every sea, and to seize such seamen as a petty British officer should decide, on any proof, or no proof, to be British subjects. That this authority had been exercised, and continued to be exercised, pending and after the treaty of London, with so contemptuous a disregard of right that the British officers appeared wholly indifferent whether they took Americans or Britons, was an undisputed point, among the most partial well informed apologists of England.'

'Frequent complaints on this subject break from Hamilton. Contemporaneous occurrences, we may presume, drew the following remark from him in a letter to Wolcott, April 20, 1796, while the House of Representatives was acting on the Treaty of London:

"Yet the Government must take care not to appear pusillanimous. I hope a very serious remonstrance has long since gone against the wanton impressment of our seamen. It will be an error to be too tame with this overbearing Cabinet." (See letter in Gibbs's *Memoirs, etc.*, vol. i. p. 330:)

Chauncey Goodrich, a leading Federal member of Congress from Connecticut, wrote to Oliver Wolcott, sen., April 9, 1796:

"I have been more confident than my Congressional friends of our ultimate success [in carrying the appropriations, etc., for the British Treaty through the House] and still trust that will be the case. Our affairs are very critical, and become daily more darkened. No circumstance could have been more unfortunate than the British impressment of seamen. There is a mystery in the business we can't fathom. What can induce them to cripple the vessels carrying them provisions and horses under contract, is unknown. I hope, however, that the people will continue temperate till this evil can be remedied." (See letter in Gibbs's *Administrations, etc.*, vol. i. p. 326.)

Goodrich wrote the same, May 13th:

"Mr. Liston arrived here last evening. The resolution of the Court of Great Britain in respect to the posts, originated from the mad conduct of the Democrats in our



On the 13th of April, Sedgwick moved in the House of Representatives, "that provision ought to be made by law, for carrying into effect with good faith the treaties lately concluded with the Dey and Regency of Algiers, the King of Great Britain, the King of Spain and certain Indian tribes northwest of Ohio."

The different treaties were grouped together for the purpose of compelling the House to make appropriations for carrying out the whole or rejecting them in mass; or failing in this, to have that plan revived and carried out in the Senate where the friends of the British Treaty had the ascendancy. And it was further proposed, that the latter body make the passage of an entirely different class of bills, some of great and peculiar local importance, and others absolutely necessary, dependent upon the action of the House, on the British treaty—in the event of its failure, that the Senate refuse to agree on any adjournment—in short, that the wheels of government be brought to a stand.<sup>1</sup>

Finally, however, after an acrid debate, the House determined to dispose of the other treaties before taking up that with Great Britain. The resolution was amended in relation to

country. In that we can't so highly blame them, but their impressments are to me unaccountable and provoking." (See letter in Gibbs's Memoirs, etc., vol. i. p. 339.)

<sup>1</sup> Wolcott, Secretary of the Treasury, wrote his father, March, 1796: "Matters are now in such a train, that all the treaties must be swallowed by the Virginians, or their factious designs be fully disclosed. It is uncertain whether they will not venture to precipitate the country into the confusions which would result from a non-compliance: but if they do, the Government will be at an end." (See letter in Gibbs's Memoirs, etc., vol. i. p. 321.)

In a letter from same to same, April 18th, it is distinctly declared that "the Senate will, he presumes, combine all the treaties together, and insist they shall share one fate." (Ib. p. 327.)

Chauncey Goodrich wrote Wolcott, sen., April 20: "You may be assured of the determination of the Senate to join the appropriation for the British treaty, with some one or all the others, and inflexibly resist any appropriation for the rest, unless it be also made for that." (Ib. p. 330.)

On the subject of the Senate making the passage of an entirely different class of bills dependent on the execution of the British treaty, Chauncey Goodrich wrote Oliver Wolcott, sen., April 23d:

"As yet, on the most favorable calculation, six votes are to be secured for an execution of the treaty. It is not probable that they can be gained on the resolution before the committee; in that case, Mr. McClay's resolution is likely to be brought forward, to which, I think, we ought to prolong our stand as long as possible: but 'tis well known that the Senate will, as soon as the vote shall be had on the resolution before us, if unfortunate, tack an amendment providing for the British treaty, to the Spanish treaty bill, and inflexibly adhere for all or none. I am not warranted to assert, but I trust they will also arrest the Federal city loan bill, land office, perhaps appropriations for the army, refuse to rise; in short, arrest the whole Government, and let the people decide." (Ib. p. 331.)

It will be remembered that these are mostly but the gleams of the secret history of the period breaking from the secret correspondences of one little Federal coterie—what may be called the Wolcott Connecticut coterie—transmitted by a family biographer. We would give a good deal to see the unmasculated secret correspondences of Sedgwick, Harper, and some other Federal leaders.

the first, by striking out the words "provision ought to be made by law," and also the words "with good faith"—and inserting others implying nothing contrary to the proposition that the House, in this as in other matters, acted from considerations of expediency, and with liberty to pass or reject the appropriations. In this form, the appropriations for carrying out the other treaties were made.

The British Treaty coming up for discussion, April 15th, Madison led off in opposition, demonstrating the want of any just principle of reciprocity in it, in various particulars, and indeed in almost every particular. He pronounced fears of a war with England, should it be rejected, chimerical—that pressed as England now was by France, it would be madness in her to take a new war on her hands. Nicholas, Giles, Heath, Swanwick, Findley, Rutherford, Moore, Holland, Gallatin, Preston, Page, and others spoke on the same side. Mr. Gallatin established his reputation on this occasion, as one of the ablest debaters and men of his times.

Swift, Goodhue, Williams, Hillhouse, Cooper, Kittera, Coit, Henderson, Harper, Foster, Gilbert, Tracy, Ames, and others spoke in favor of the Treaty.

The great speech on his side, was made by Fisher Ames. If we may credit an account of it written by John Adams, a listener in the gallery, it was surpassingly eloquent: and the contempt that Mr. Adams often afterwards expressed for Ames's capacity as a statesman, would seem to show that he had no special partialities to prejudice him in his favor.

The debate lasted a fortnight. Pending it, imposing demonstrations were made in many places in favor of the execution of the treaty. The reactionary feeling we have already described, had proceeded to no small extent. Peace seemed desirable to the large property holders and the commercial classes in the cities, at almost any cost. The timid were alarmed with the idea that England, already in possession of our northern frontier posts, and well prepared on the ocean, was ready suddenly to fall on us with every advantage, and inflict crippling blows before we could take any efficient steps for our defence. Some imagined that George III. and his ministry even desired the rejection of the treaty, and that "secret orders [had been] given to irritate the Americans to induce a violation," so they

could retain the posts, "plunder our commerce at once," and otherwise take advantage of "the impotence and distraction of our Government."<sup>1</sup> Menaces said to have been uttered by a British diplomatic agent, at Philadelphia, swelled the terrors of this class of alarmists. A serious collision of jurisdiction between the different branches of the Government, at such a feverish epoch in our foreign relations, seemed to the cautious and conservative a thing to be avoided by any sacrifice. Threats of the Senate's refusing to pass bills, or make appropriations, or agree on an adjournment—virtually to dissolve the Government—had been indulged in other places besides in private letters; and there can be no doubt that it was extensively credited.

Finally there was a strong feeling among thousands and thousands who entirely disapproved of the treaty, against any measure which could be construed as inflicting a humiliation on the President. As the debate and measures of the House took a turn which seemed to involve this alternative, these feelings rose to the fury of a tempest. Goodrich, exultingly and truly wrote the elder Wolcott; "the energy of the President's popularity has not yet been estimated at one half its value."<sup>2</sup> It produced that reaction among the people, which other causes had produced among the wealthy and timid. All these considerations had their weight in as well as out of Congress; and some decided Republican members were influenced by them.

On the 29th of April, the question was taken in the Committee of the Whole on the resolution declaring the expediency of making the laws requisite for the execution of the treaty, and it was carried by the casting vote of the chairman, Muhlenburg, the former Speaker, a decided Republican. He said "he did not feel satisfied with the resolution as it now stood; he should, however, vote for it, that it might go to the House and there be modified."<sup>3</sup>

On the 30th, Dearborn, of Massachusetts, said that as it appeared a majority of the House had determined to sustain the treaty, though several of those who intended to vote for it thought it a bad one, "he wished to see the opinion the House entertained of the treaty entered upon their journals." He therefore proposed the following amendment as a preamble:

<sup>1</sup> Gibbs's Memoirs, etc., vol. i. p. 332.

<sup>2</sup> Annals of Congress, 1796-8, p. 1796.

<sup>3</sup> *Ib.* p. 335.

*“Resolved, That although in the opinion of this House the treaty is highly objectionable, and may prove injurious to the United States, yet, considering all the circumstances relating thereto, and particularly, that the last eighteen articles are to continue in force only during the present war, and two years thereafter; and confiding also in the efficacy of measures that may be taken for bringing about a discontinuance of the violations committed on our neutral rights in regard to our vessels and seamen, therefore,” etc.*

The words, “and may prove injurious to the United States,” were struck out by consent. A Republican member, who had voted for Livingston’s resolutions (Samuel Smith), moved to strike out the word “highly” before the word “objectionable.” The vote stood forty-eight for striking out, and forty-eight against. The Speaker voted in the affirmative. The motion was then put on the preamble, and decided in the negative—yeas, forty-nine; nays, fifty. One of the negatives was Colonel Josiah Parker, of Virginia, who declined to vote for the amendment on the ground that he thought the treaty a bad one. “and would not agree to vote for it by means of any modification.” His vote defeated the amendment without defeating the resolution for executing the treaty. The question on the latter was taken and determined in the affirmative—yeas fifty-one, nays forty-eight; and bills were ordered to be brought in accordingly.<sup>1</sup>

Every member from Virginia was present, and every one voted against the resolution but George Hancock.

On the 24th of April (1796), Mr. Jefferson wrote Philip Mazzei, then in Florence, a letter containing the following remarks:

“The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican monarchical and aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British Government. The main body of our citizens, however, remain true to their republican principles: the whole landed interest is republican, and so is a great mass of talents. Against us are the Executive, the judiciary, two out of three branches of the Legislature, all the officers of the Government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants and Americans trading on British capitals, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men

<sup>1</sup> *Annals of Congress*, pp. 1282-1291.

who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils. But we shall preserve it, and our mass of weight and wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors."

As this letter was destined to become very celebrated, we will bestow a word on the individual to whom it was addressed.

Mazzei was an Italian who came to Virginia just before the breaking out of the Revolution, with about a dozen vigneron of his country, to attempt cultivating the vine and manufacturing wine, under the auspices of a company who raised a sum of money to aid him in his undertaking. Jefferson was one of its members, and Mazzei bought Collé, an estate adjoining Monticello, for his experiment. He pursued that experiment three years, with some promise of success, but the terms of service of his foreign laborers then expired, and they could all do better than rehire themselves to him. The war opening, he could not obtain other vigneron from Italy, and was compelled to suspend operations. He was an educated and intelligent man, and being employed by the State of Virginia to go to Europe as an agent on some business, Collé was rented to the Baron de Riedesel, one of the Saratoga Convention prisoners sent to Charlottesville. The Baron's horses finished the vineyard in a week.

Mazzei had written Mr. Jefferson to forward him legal evidence of the death of his wife, who had remained behind him in Virginia, and in relation to some other private concerns. The answer contained the paragraph above quoted. Mazzei, an ardent Republican, translated it into Italian, and without any authority to do so, published it at Florence. From thence it was picked up by the French papers, and appeared in the *Moniteur*. Finally, the French version was retranslated into English, and we shall find it hereafter appearing in the American newspapers, to be the subject of volumes of fierce controversy.

Mr. Jefferson wrote Colonel Monroe, then in France, June 12th :

" Congress have risen    You will have seen by their proceedings the truth of

what I always observed to you, that one man outweighs them all in influence over the people, who have supported his judgment against their own and that of their representatives. Republicanism must lie on its oars, resign the vessel to its pilot, and themselves to the course he thinks best for them."

And again, July 10th :

"The campaign of Congress has closed. Though the Anglomens have in the end got their treaty through, and so far have triumphed over the cause of Republicanism, yet it has been to them a dear-bought victory. It has given the most radical shock to their party which it has ever received; and there is no doubt, they would be glad to be replaced on the ground they possessed the instant before Jay's nomination extraordinary. They see that nothing can support them but the colossus of the President's merits with the people, and the moment he retires, that his successor, if a Monocrat, will be overborne by the Republican sense of his constituents; if a Republican, he will, of course, give fair play to that sense, and lead things into the channel of harmony between the governors and governed. In the meantime, patience."

He was not alone in the impression that this victory was dearly purchased by the Administration. Wolcott wrote Hamilton the day before the decisive vote, "I think the Government will succeed in the present contest, but it remains doubtful whether order can be long preserved. \* \* \* The influence of Messrs. Gallatin, Madison, and Jefferson must be diminished, or the public affairs will be brought to a stand."<sup>1</sup>

Busy efforts were not wanting at this period to produce a personal alienation between the President and Mr. Jefferson. On the 9th of June, the copy of a private Cabinet paper, when Jefferson was a member of that body (the questions submitted by the President as to the reception of Genet), appeared in the *Aurora*. The circumstances rendered it apparently certain that this communication to the paper must have been made by Randolph or Jefferson. The latter wrote General Washington, June 19th, denying all connection with or privity in the publication. And he added :

"I have formerly mentioned to you, that from a very early period of my life, I had laid it down as a rule of conduct, never to write a word for the public papers. From this I have never departed in a single instance; and on a late occasion, when all the world seemed to be writing, besides a rigid adherence to my own rule, I can say with truth, that not a line for the press was ever communicated to me, by any other, except a single petition referred for my correction; which I did not correct, however, though the contrary, as I have heard, was said in a public place, by one person through error, through malice by another. I learn that this last has thought

<sup>1</sup> Gibbs's *Memoirs*, etc., vol. i. p. 334.

It worth his while to try to sow tares between you and me, by representing me as still engaged in the bustle of politics, and in turbulence and intrigue against the Government. I never believed for a moment that this could make any impression on you, or that your knowledge of me would not outweigh the slander of an intriguer, dirtily employed in sifting the conversations of my table, where alone he could hear of me; and seeking to atone for his sins against you by sins against another, who had never done him any other injury than that of declining his confidences. Political conversations I really dislike, and therefore avoid where I can without affectation. *But when urged by others, I have never conceived that having been in public life requires me to belie my sentiments, or even to conceal them. When I am led by conversation to express them, I do it with the same independence here which I have practiced everywhere, and which is inseparable from my nature.* But enough of this miserable tergiversator, who ought indeed either to have been of more truth, or less trusted by his country."

The informer here characterized with such, for Jefferson extraordinary personal severity, was General Harry or Henry Lee, of Virginia. This individual, after joining Madison in establishing Freneau's paper, and after feeling enough enthusiasm in the cause of France to contemplate abandoning the executive chair of Virginia to accept a commission in its armies, had finally settled down into a violent Federalist. His hostility to Jefferson appears in his *Memoirs of the Southern War*. Whether Jefferson justly suspected Lee of attempting to "sow tares" between himself and Washington, and "sifting the conversations of his table" for that purpose, can be conjectured with considerable certainty after reading Washington's reply to the foregoing, and also a letter from Lee to Washington, of August 17th, 1794, and published at page 560 of vol. x. of Sparks's edition of the *Works of the latter*.<sup>1</sup>

Jefferson's letter took a circuitous route, and was late in reaching the President. It was not, therefore, answered until July 6th. Washington disavowed having entertained suspicions that his correspondent had any connection with the publication in the *Aurora*. There is no trace of unfriendliness in the letter.

The following passages afford the General's own decisive testimony to the accuracy of some positions taken in this work, which are strongly at variance with the whole current of the assertions or intimations of every Federal historian we have over read:

"As you have mentioned the subject yourself, it would not be frank, candid, or friendly to conceal that your conduct has been represented as derogating from that

<sup>1</sup> And see Washington's answer to Lee, August 24, 1794. *Works*, vol. x. p. 432

opinion I had conceived you entertain of me; that, to your particular friends and connections you have described, and they have denounced me as a person under a dangerous influence; and that, if I would listen more to some other opinions all would be well. My answer invariably has been, that I had never discovered anything in the conduct of Mr. Jefferson to raise suspicions in my mind of his insincerity; that if he would retrace my public conduct while he was in the administration, abundant proofs would occur to him, that truth and right decisions were the sole objects of my pursuit; *that there were as many instances within his own knowledge of my having decided against as in favor of the person evidently alluded to*; and, moreover, that I was no believer in the infallibility of the politics or measures of any man living. *In short, that I was no party man myself, and the first wish of my heart was, if parties did exist, to reconcile them.*"<sup>1</sup>

Entering upon such explanations as these, there can be little doubt that General Washington would have felt it his duty to relieve General Lee from Jefferson's pointed charges, had he considered them unfounded, at least so far as the acts complained of were concerned.

From this time forward, for a period of five months, we find not a word (except the letter to Monroe already given) on the subject of politics in Mr. Jefferson's correspondence, and but one letter on any subject.

The expediency of the Senate's approving, and the President's ratifying, the Treaty of London, under all the circumstances, still presents a fair question for debate and doubt, and none the less so, should it be admitted that the treaty contained very objectionable features. Of the latter fact, we have seen that by far the ablest and most influential of its defenders entertained no doubts—not merely on a few and insignificant points, but on numerous and most serious ones. That it was essentially unmarked, on the English side, by principles of reciprocity—that it was taken by Mr. Jay as the best he could get, and under the impression that almost anything was preferable to war—that it was a treaty which a nation prepared to go to war on anything like equal terms would have shrunk from contracting under any circumstances—that it was a treaty to which the United States now, under the parallel of every circumstance, excepting that of their comparative ability to forcibly protect their interests, would deride the idea of submitting to, though menaced by all Europe instead of Great Britain—probably no intelligent and observing man will at this day dispute.

<sup>1</sup> See Washington's Works, vol. xi. p. 138.



We have endeavored to present with fidelity the considerations which influenced the steps of the President. These may have been sound or unsound, according to the accuracy of the information on which they were based ; but in their nature we regard them as legitimate. We see not a shadow of ground for the imputation that Washington was influenced by any but the noblest and most patriotic motives, or that he had been, within the space of four months, wrenched into a violent reversal of all his earlier partialities as between England and France. His great object was to preserve peace. He believed that Jay's treaty—although several of its provisions obviously took him by surprise, and met with his disapprobation—was preferable to being embarked in the great warlike struggle of Europe with dangerous foes, and those he regarded, no doubt, as equally dangerous allies.

The real effects of the Treaty of London on the interests of the United States, will probably always be differently estimated, because a just judgment depends not only upon deductions from a broad and confused field of historical facts, but upon different theories of what is due to national character and of what really constitutes national prosperity. It secured peace with Great Britain for a few years—we were not, on the other hand, quite thrown into a state of open war with France in consequence of it—and our country, in the meantime, advanced with giant strides to a pitch of material development which placed her in a posture, eighteen years later, to fight Great Britain on the very points which that treaty had left unprovided for—and left practically decided against us.

If England plundered us, we *grew*. If she impressed our citizens, the scalding tears of shame and humiliation which at midnight wet the hammock of the exile and prisoner, compelled to aid in slaughtering nations friendly or neutral to his country, did not stop the *growth* of his country. The tide of its material prosperity rushed, and roared, and swelled on.

Nor does this present the whole favorable view of the case in the minds of a class who are not content with insisting (what perhaps they may fairly do) that the Treaty of London was the best choice of evils, but also insist that it was a remarkably favorable solution of existing difficulties—the very turning point and source of our subsequent prosperity ! They ask us to be-

lieve that our people were so wildly and viciously infected with French Jacobinism, in 1795 and 1796, that, if they had become engaged in a war with England, we should have necessarily become politically, if not physically, a mere department of France—mingled in all its struggles—imitating all its domestic atrocities. And they ask us to believe that “Jay’s Treaty” prevented all this, and actually by some undefinable agency opened if it did not create all the fountains of our future national prosperity.

The same class of men felt and expressed the same want of confidence in the American people in 1812. Again they predicted that a war with England and against a common enemy with France would lead to anarchy and entire subordination to France. Ames died before the struggle opened, but he anticipated its coming, and the closing period of his life was spent in venting those expressions of contempt for his countrymen and of sickening idolatry towards England, some of which were quoted in an earlier portion of this work.<sup>1</sup> Yet this time the war took place. It was not followed by anarchy. We did not become a department of France. Again the tide of national prosperity rushed, and roared, and swelled on. War found this sequence as well as an unequal treaty! Our country, owing to obvious circumstances, has always increased rapidly in numbers and wealth since 1782. Treasury projectors, and finance regulators, and treaty framers have always claimed the origination of this prosperity. The truth has rather been that not stopping national fecundity and industry, they have not been able to stop that prosperity.

During the summer of 1796, Mr. Jefferson’s Farm Diary discloses nothing sufficiently varied from the operations of the preceding years to demand insertion. Those operations had begun to fall into the routine he had established, and they now moved on systematically; and there was an evident improvement not only in immediate returns, but in those conditions on which future ones rested. In the preceding fall he had made extensive improvements in the roads on and contiguous to his estate; and he also burned brick for the further completion of his house. He wrote Mr. Giles, March 19th:

<sup>1</sup> See vol. I. p. 583, *et seq.*

"We have had a fine winter. Wheat looks well. Corn is scarce and dear. Twenty-two shillings here, thirty shillings in Amherst. Our blossoms are but just opening. I have begun the demolition of my house, and hope to get through its reëdification in the course of the summer. We shall have the eye of a brick-kiln to poke you into, or an octagon to air you in."

A very faithful picture of what would, at that period, strike the eye of an intelligent but very practical traveller, at Monticello, is preserved in the "Travels through the United States of North America, etc., in the years 1795, 1796, and 1797, by the Duke de la Rochefoucauld-Liancourt."<sup>1</sup> This eminent patriot and philanthropist, Lieutenant-General of France, late President of the National Assembly, etc., was now in exile. He reached Monticello on the 22d of June, 1796, and remained until the 29th. He thus describes what he witnessed there :

"Monticello is situated three miles from Milton, in that chain of mountains which stretches from James River to the Rappahannock, twenty-eight miles in front of the Blue Ridge, and in a direction parallel to those mountains. This chain, which runs uninterrupted in its small extent assumes successively the names of the West, South, and Green Mountains.

"It is in the part known by the name of the South Mountains that Monticello is situated. The house stands on the summit of the mountain, and the taste and arts of Europe have been consulted in the formation of its plan. Mr. Jefferson had commenced its construction before the American Revolution ; since that epocha his life has been constantly engaged in public affairs, and he has not been able to complete the execution of the whole extent of the project which it seems he had at first conceived. That part of the building which was finished has suffered from the suspension of the work, and Mr. Jefferson, who two years since resumed the habits and leisure of private life, is now employed in repairing the damage occasioned by this interruption, and still more by his absence ; he continues his original plan, and even improves on it, by giving to his buildings more elevation and extent. He intends that they shall consist only of one story, crowned with balustrades ; and a dome is to be constructed in the centre of the structure. The apartments will be large and convenient ; the decoration, both outside and inside, simple, yet regular and elegant. Monticello, according to its first plan, was infinitely superior to all other houses in America, in point of taste and convenience ; but at that time Mr. Jefferson had studied taste and the fine arts in books only. His travels in Europe have supplied him with models ; he has appropriated them to his design ; and his new plan, the execution of which is already much advanced, will be accomplished before the end of next year, and then his house will certainly deserve to be ranked with the most pleasant mansions in France and England.

"Mr. Jefferson's house commands one of the most extensive prospects you can meet with. On the east side, the front of the building, the eye is not checked by any object, since the mountain on which the house is seated, commands all the

<sup>1</sup> We shall quote from the English edition published in London in 1799, commencing at p. 69.

neighboring heights as far as the Chesapeake. The Atlantic might be seen were it not for the greatness of the distance, which renders that prospect impossible. On the right and left, the eye commands the extensive valley that separates the Green, South, and West Mountains from the Blue Ridge, and has no other bounds but these high mountains, of which, on a clear day, you discern the chain on the right upwards of a hundred miles, far beyond James River; and on the left as far as Maryland, on the other side of the Potomac. Through some intervals, formed by the irregular summits of the Blue Mountains, you discover the Peaked Ridge, a chain of mountains placed between the Blue and North Mountains, another more distant ridge. But in the back part the prospect is soon interrupted by a mountain more elevated than that on which the house is seated. The bounds of the view on this point, at so small a distance, form a pleasant resting-place; as the immensity of prospect it enjoys is, perhaps, already too vast. A considerable number of cultivated fields, houses, and barns, enliven and variegate the extensive landscape, still more embellished by the beautiful and diversified forms of mountains, in the whole chain of which not one resembles another. The aid of fancy is, however, required to complete the enjoyment of this magnificent view; and she must picture to us those plains and mountains such as population and culture will render them in a greater or smaller number of years. The disproportion existing between the cultivated lands and those which are still covered with forests as ancient as the globe, is at present much too great; and even when that shall have been done away, the eye may perhaps further wish to discover a broad river, a great mass of water—destitute of which, the grandest and most extensive prospect is ever destitute of an embellishment requisite to render it completely beautiful.

"On this mountain, and in the surrounding valleys, on both banks of the Rivanna, are situated the five thousand acres of land which Mr. Jefferson possesses in this part of Virginia. Eleven hundred and twenty only are cultivated. The land left to the care of stewards has suffered as well as the buildings from the long absence of the master; according to the custom of the country, it has been exhausted by successive culture. Its situation on the declivities of hills and mountains renders a careful cultivation more necessary than is requisite in lands situated in a flat and even country; the common routine is more pernicious, and more judgment and mature thought are required, than in a different soil. This forms at present the chief employment of Mr. Jefferson. But little accustomed to agricultural pursuits, he has drawn the principles of culture either from works which treat on this subject or from conversation. Knowledge thus acquired often misleads, and is at all times insufficient in a country where agriculture is well understood; yet it is preferable to mere practical knowledge, and a country where a bad practice prevails, and where it is dangerous to follow the routine, from which it is so difficult to depart. Above all, much good may be expected, if a contemplative mind, like that of Mr. Jefferson, which takes the theory for its guide, watches its application with discernment, and rectifies it according to the peculiar circumstances and nature of the country, climate, and soil, and conformably to the experience which he daily acquires.

"Pursuant to the ancient rotation, tobacco was cultivated four or five successive years; the land was then suffered to lie fallow, and then again succeeded crops of tobacco. The culture of tobacco being now almost entirely relinquished in this part of Virginia, the common rotation begins with wheat, followed by Indian corn, and then again wheat, until the exhausted soil loses every productive power; the field is then abandoned, and the cultivator proceeds to another, which he treats and aban-

jons in the same manner, until he returns to the first, which has in the meantime recovered some of its productive faculties. The disproportion between the quantity of land which belongs to the planters and the hands they can employ in its culture, diminishes the inconveniences of this detestable method. The land which never receives the least manure, supports a longer or shorter time this alternate cultivation of wheat and Indian corn, according to its nature and situation, and regains, according to the same circumstances, more or less speedily the power of producing new crops. If in the interval it be covered with heath and weeds, it frequently is again fit for cultivation at the end of eight or ten years; if not, a space of twenty years is not sufficient to render it capable of production. Planters who are not possessed of a sufficient quantity of land to let so much of it remain unproductive for such a length of time, fallow it in a year or two after it has borne wheat and Indian corn, during which time the fields serve as pasture, and are hereupon again cultivated in the same manner. In either case the land produces from five to six bushels of wheat, or from ten to fifteen bushels of Indian corn, the acre. To the produce of Indian corn must be added one hundred pounds of leaves to every five bushels, or each barrel, of grain. These leaves are given as fodder to the cattle. It was in this manner that Mr. Jefferson's land had always been cultivated, and it is this system which he has very wisely relinquished. He has divided all his land under culture into four farms, and every farm into seven fields of forty acres. Each farm consists, therefore, of two hundred and eighty acres. His system of rotation embraces seven years, and this is the reason why each farm has been divided into seven fields. In the first of these seven years wheat is cultivated; in the second, Indian corn; in the third, pease or potatoes; in the fourth, vetches; in the fifth, wheat; and in the sixth and seventh, clover. Thus each of his fields yields some produce every year, and his rotation of successive culture, while it prepares the soil for the following crop, increases its produce. The abundance of clover, potatoes, pease, etc., will enable him to keep sufficient cattle for manuring his land, which at present receives hardly any dung at all, independently of the greater profit which he will in future derive from the sale of his cattle.

"Each farm, under the direction of a particular steward or bailiff, is cultivated by four negroes, four negresses, four oxen, and four horses. The bailiffs, who in general manage their farms separately, assist each other during the harvest, as well as at any other time when there is any pressing labor. The great declivity of the fields, which would render it extremely troublesome and tedious to carry the produce, even of each farm, to one common central point, has induced Mr. Jefferson to construct on each field a barn, sufficiently capacious to hold its produce in grain; the produce in forage is also housed there, but this is generally so great, that it becomes necessary to make stacks near the barns. The latter are constructed of trunks of trees, and the floors are boarded. The forests and slaves reduce the expense of these buildings to a mere trifle.

"Mr. Jefferson possesses one of those excellent threshing machines which a few years since were invented in Scotland, and are already very common in England. This machine, the whole of which does not weigh two thousand pounds, is conveyed from one farm to another in a wagon, and threshes from one hundred and twenty to one hundred and fifty bushels a day. A worm,<sup>1</sup> whose eggs are almost constantly deposited in the ear of the grain, renders it necessary to thresh the corn a

<sup>1</sup> Known in Va. as the white weevil, but now nearly excluded by early threshing made practicable by the introduction of threshing-machines.

short time after the harvest; in this case the heat occasioned by the mixture of grain with its envelope, from which it is disengaged, but with which it continues mixed, destroys the vital principle of the egg, and protects the corn from the inconveniences of its being hatched. If the grain continued in the ears, without being speedily beaten, it would be destroyed by the worm, which would be excluded from the eggs. This scourge, however, spreads no further northwards than the Potomac, and is bounded to the west by the Blue Mountains. A few weeks after the corn has been beaten it is free from all danger, winnowed, and sent to market. The Virginia planters have generally their corn trodden out by horses; but this way is slow, and there is no country in the world where this operation requires more dispatch than this part of Virginia. Besides, the straw is bruised by the treading of horses. Mr. Jefferson hopes that his machine, which has already found some imitators among his neighbors, will be generally adopted in Virginia. In a country where all the inhabitants possess plenty of wood, this machine may be made at a very trifling expense.

"Mr. Jefferson rates the average produce of an acre of land, in the present state of his farm, at eight bushels of wheat, eighteen bushels of Indian corn, and twenty hundred weight of clover. After the land has been duly manured, he may expect a produce twice, nay three times more considerable. But his land will never be dunged as much as in Europe. Black cattle and pigs, which in our country are either constantly kept on the farm, or at least return thither every evening, and whose dung is carefully gathered and preserved either separate or mixed, according to circumstances, are here left grazing in the woods the whole year round. Mr. Jefferson keeps no more sheep than are necessary for the consumption of his own table. He cuts his clover but twice each season, and does not suffer his cattle to graze in his fields. The quantity of his dung is therefore in proportion to the number of cattle which he can keep with his own fodder, and which he intends to buy at the beginning of winter to sell them again in spring; and the cattle kept in the vicinity of the barns where the forage is housed, will furnish manure only for the adjacent fields.

"From an opinion entertained by Mr. Jefferson that the heat of the sun destroys, or at least dries up in a great measure, the nutritious juices of the earth, he judges it necessary that it should be always covered. In order, therefore to preserve his fields, as well as to multiply their produce, they never lie fallow. On the same principle he cuts his clover but twice a season, does not let the cattle feed on the grass, nor incloses his fields, which are merely divided by a single row of peach trees

"A long experience would be required to form a correct judgment, whether the loss of dung, which this system occasions in his farms, and the known advantage of fields inclosed with ditches, especially in a declivitous situation, where the earth from the higher grounds is constantly washed down by the rain, are fully compensated by the vegetative powers which he means thus to preserve in his fields. His system is entirely confined to himself; it is censured by some of his neighbors, who are also employed in improving their culture with ability and skill, but he adheres to it, and thinks it founded on just observations.

"Wheat, as has already been observed, is the chief object of cultivation in this country. The rice, which within these two years has taken place in the price of this article, has engaged the speculations of the planters, as well as the merchants. The population of Virginia, which is so inconsiderable in proportion to its extent, and so little collected in towns, would offer but a very precarious market for large

numbers of cattle. Every planter has as many of them in the woods as are required for the consumption of his family. The negroes, who form a considerable part of the population, eat but little meat, and this little is pork. Some farmers cultivate rye and oats, but they are few in number. Corn is sold here to the merchants of Milton or Charlottesville, who ship it to Richmond, where it fetches a shilling more per bushel than in other places. Speculation or a pressing want of money may at times occasion variations in this manner of sale, but it is certainly the most common way. Money is very scarce in this district, and bank-notes being unknown, trade is chiefly carried on by barter; the merchant who receives the grain returns its value in such commodities as the vender stands in need of.

"Mr. Jefferson sold his wheat last year for two dollars and a half per bushel. He contends that in this district it is whiter than in the environs of Richmond, and all other low countries, and that the bushel which weighs there only from fifty-five to fifty-eight pounds, weighs on his farm from sixty to sixty-five.

"In addition to the eleven hundred and twenty acres of land, divided into four farms, Mr. Jefferson sows a few acres with turnips, succory, and other seeds.

"Before I leave his farm, I shall not forget to mention that I have seen here a drilling-machine, the name of which cannot be translated into French but by "*machine à semer en paquets*." By Mr. Jefferson's account it has been invented in his neighborhood. If this machine fully answers the good opinion which he entertains of it, the invention is the more fortunate, as by Arthur Young's assertion not one good drilling-machine is to be found in England. \* \* \* \* On several occasions I have heard him speak with great respect of the virtues of the President, and in terms of esteem of his sound and unerring judgment."<sup>1</sup> \* \* \*

"In private life, Mr. Jefferson displays a mild, easy and obliging temper, though he is somewhat cold and reserved. His conversation is of the most agreeable kind, and he possesses a stock of information not inferior to that of any other man. In Europe he would hold a distinguished rank among men of letters, and as such he has already appeared there; at present he is employed with activity and perseverance in the management of his farms and buildings; and he orders, directs and pursues in the minutest detail every branch of business relative to them. I found him in the midst of the harvest, from which the scorching heat of the sun does not prevent his attendance. His negroes are nourished, clothed, and treated as well as white servants could be. As he cannot expect any assistance from the two small neighboring towns, every article is made on his farm; his negroes are cabinet-makers, carpenters, masons, bricklayers, smiths, etc. The children he employs in a nail factory, which yields already a considerable profit. The young and old negroes spin for the clothing of the rest. He animates them by rewards and distinctions; in fine, his superior mind directs the management of his domestic concerns with the same abilities, activity, and regularity which he evinced in the conduct of public affairs, and which he is calculated to display in every situation of life. In the superintendence of his household he is assisted by his two daughters, Mrs Randolph and Miss Maria, who are handsome, modest, and amiable women. They have been educated in France."

"Mr. Randolph" is proprietor of a considerable plantation, contiguous to that of Mr. Jefferson's; he constantly spends the summer with him, and, from the affection he bears him, he seems to be his son rather than his son-in-law. Miss Maria con-

stantly resides with her father ; but as she is seventeen years old, and is remarkably handsome, she will, doubtless, soon find that there are duties which it is still sweeter to perform than those of a daughter. Mr. Jefferson's philosophic turn of mind, his love of study, his excellent library, which supplies him with the means of satisfying it, and his friends, will undoubtedly help him to endure this loss, which moreover is not likely to become an absolute privation, as the second son-in-law of Mr. Jefferson may, like Mr. Randolph, reside in the vicinity of Monticello, and, if he be worthy of Miss Maria, will not be able to find any company more desirable than that of Mr. Jefferson."

\* \* \* \* \*

"The price of land is from four to five dollars per acre. \* \* Meat—that is, mutton, veal, and lamb—fetches fourpence a pound; beef cannot be had but in winter. The wages of white workmen, such as masons, carpenters, cabinet-makers, and smiths, amount to from one and a half dollars to two dollars a day. \* \* \* There are not four stone masons in the whole county of Albemarle. \* \* \* Left Monticello on the 29th of June."

There are some errors in the geographical names in the above description, but on the whole, it is uncommonly accurate, particularly in the account of farming operations. It requires but a few explanations and additions to give a full view of the domestic economy of Monticello. In the nail factory mentioned, the work was all performed by hand, and not exclusively by children. They only did the lighter portions of it. The spinning is noticed, but not the weaving. There was a house devoted to the latter, and the labor was performed by females. Mr. Jefferson thus manufactured the woollens used for dressing his slaves. Among the "rewards and distinctions" alluded to by our traveller, were those of dress. But these were conferred to "animate" them to marry and settle down steadily in life, and not as premiums on extra labor. The men and women who married and lived properly together, received dresses of a better quality and color than those who did not. The effect of this regulation was perceptibly favorable. The Duke omits one manufacturing establishment—that grist mill, which was elevated by the imagination of contemporary satirists, to a situation on a mountain ravine, "where nothing was lacking but water," but which occupied its present eligible site on the Rivanna.

Mr. Jefferson performed another practical achievement, about this period, which has not, so far as we are aware, been recorded in prose or verse, by newspaper wits, or writers of a graver cast. It may be remembered, that on returning to Paris from a tour in Germany, in 1788, the primitive structure



of the plows which he saw employed by the peasantry about Fenestrange, Moyenvic, and Nancy (in the northeast of France), induced him to enter into some speculations on the subject, and that in his journal (April 19th), he attempted to sketch an original and uniform mathematical rule for shaping the mould-board of a plow<sup>1</sup>—the object being, of course, to attain the form which would best accomplish the desired result (the regular inversion of a certain depth of surface soil), with the least application of force. Among the memoranda in his farm book, of 1796, are diagrams and specifications for laying off the block (iron plows were not then introduced,) of a mould-board, according to or matured from his earlier plan; and also a well executed drawing of a plow, constructed on the principle he had discovered. He wrote Jonathan Williams on this subject, July 3d, 1796:

"You wish me to present to the Philosophical Society the result of my philosophical researches since my retirement. But, my good sir, I have made researches into nothing but what is connected with agriculture. In this way I have a little matter to communicate, and will do it ere long. It is the form of a mould-board of least resistance. I had some time ago conceived the principles of it, and I explained them to Mr. Rittenhouse. I have since reduced the thing to practice and have reason to believe the theory fully confirmed. I only wish for one of those instruments used in England for measuring the force exerted in the drafts of different plows, etc., that I might compare the resistance of my mould-board with that of others. But these instruments are not to be had here."

So it seems his new plows were already in operation. The further history of this invention, or discovery, may as well at once be given. Mr. Rittenhouse, one of the best mathematicians and scientific inventors of his century, had given it as his opinion, that it was mathematically demonstrable that Mr. Jefferson's mould-board was what he supposed it to be, namely, the one of least resistance.<sup>2</sup> Mr. Strickland, a member of the English Board of Agriculture, being on a visit to Monticello, saw there plows in operation constructed on this principle, and mentioning them favorably on his return, the Board, through its President Sir John Sinclair, requested from Mr. Jefferson a model and a description. These were forwarded to England in 1798.<sup>3</sup> This

<sup>1</sup> See vol. i. p. 501.

<sup>2</sup> For this fact, see Jefferson to Patterson, March 27, 1798. Mr. Rittenhouse died June 26, 1796.

<sup>3</sup> Jefferson to Patterson. March 27, 1798.

description was long and very minute, and is published in the Edinburgh Encyclopedia, and in the fourth volume of the Transactions of the American Philosophical Society. We have found no further certain traces of this matter until 1808, when Mr. Jefferson wrote M. Sylvestre, of France, thanking him for various agricultural works, and for a newly-improved plow, presented to him through M. Sylvestre by the Agricultural Society of the Seine. He says:

"I shall with great pleasure attend to the construction and transmission to the Society of a plow with my mould-board. This is the only part of that useful instrument to which I have paid any particular attention. But knowing how much the perfection of the plow must depend, 1st, on the line of traction; 2d, on the direction of the share; 3d, on the angle of the wing; 4th, on the form of the mould-board; and persuaded that I shall find the three first advantages eminently exemplified in that which the Society sends me, I am anxious to see combined with these a mould-board of my form, in the hope it will still advance the perfection of that machine. But for this I must ask time till I am relieved from the cares which have now a right to all my time, that is to say, till the next spring. Then giving, in the leisure of retirement, all the time and attention this construction merits and requires, I will certainly render to the Society the result in a plow of the best form I shall be able to have executed. In the meantime, accept for them and yourself the assurances of my high respect and consideration."

It would seem, however, that one of Mr. Jefferson's plows went to France several years earlier, and received a flattering acknowledgment of its merits.<sup>1</sup>

It also seems to be understood, in France, that Mr. Jefferson was the first discoverer of the formula for constructing a mould-board on mathematical principles—it being previously determined, by manufacturers of the implement, merely by the eye, assisted by experiment. This fact is distinctly asserted in a work which we understand to be of high authority: "*Maison Rustique du 19<sup>me</sup> Siècle, ou Encyclopédie d'Agriculture Pratique*," Paris, 1836.<sup>2</sup> Our researches have not enabled us to find any traces of a discovery of this theoretical formula, prior to Mr. Jefferson's. The Rotherham plow, as it is called in England, was patented in 1720, but afterwards the patent was set

<sup>1</sup> In 1853 a statement went the rounds of the American newspapers, that Mr. Rives, our Minister to France, on being received as a Corresponding Member of the "Imperial Central Agricultural Society of France," made allusion to the fact that fifty years before the same honor was conferred on one of his most distinguished countrymen, to whom it gave a prize for a plow. "Yes," replied the President of the Society, "we still have and will show you the prize-plow of Thomas Jefferson."

<sup>2</sup> Tome i. p. 174. "Jefferson est, à notre connaissance, le premier qui ait formulé" &c.

aside on the ground of its not being a new invention. It is supposed that it was originally introduced from Holland. The Rotherham plow was a great practical improvement on preceding ones; but we have yet to learn that its form was deduced from anything beyond practical observation and experiment, and we know of no other having such claims, that antedates Jefferson's.

One fact is certain, that Jefferson, with pure originality, so far as he was concerned, produced such a formula. If any one preceded him in this, let us have the proofs of it brought forward. It would not be sufficient to show, that somebody before had experimentally or accidentally hit upon nearly, or even precisely the same form. We do not believe the proof will be forthcoming—though we have made no very elaborate investigations on the subject.<sup>1</sup> We take it for granted, that when Jefferson claimed the origination of a rule, some of his learned French, English, or American correspondents on this class of topics, would have set him right, or pointed out preceding formulas, had they been known to exist.

Jefferson, then, the imaginary prince of theorists, made a great utilitarian discovery! If it was not quite so brilliant or lofty in its associations as the exploit of him "who snatched the lightning from heaven," it, at all events, ranks its author among those practical benefactors of their species, who have made the physical world better for having lived in it—who have made more blades of grass grow than grew before—who have lightened the labors, and added to the enjoyments of the toiling masses of mankind.

We cannot say what he himself thought about it, for he had no pet performances of his own constantly to write or talk about. So purely unegotistical a man of great deeds scarcely ever lived. But if he believed he had done something to permanently benefit the practical every day interests of the *tiers état* of his country and Christendom, of this we feel fully assured, that he would not have exchanged the consciousness of the achievement for that of having written the Declaration of Independence.

<sup>1</sup> The active Corresponding Secretary of the N. Y. State Agricultural Society, Mr. Johnson, furnished us with considerable information in regard to the Rotherham plow; but we get no glimpse of a theoretical rule.

The preceding facts illustrate the characteristic promptitude with which Mr. Jefferson adapted his theoretical knowledge to practical applications. He was indeed remarkable for this power. In anything involving principles of mechanism, whether the simplest or most profound—whether developed in a wheelbarrow or a steam-engine—he saw at a glance conformity to or departure from sound theory. If a wagon, a gate, a bridge, a seed-drill, a threshing-machine, or a plow needed any improvement, he knew it at once, and where and how the change should be made. This gave him what seemed a marvellous ingenuity in practical matters, in the eyes of practical men, who knew what had been the pursuits of his life. Innumerable examples of this existed, until desolation fell on Monticello, and until decay swept from it nearly all that was perishable. Instances enough will appear hereafter.

In November, Mr. Jefferson had the new walls of his house so far completed, that but little more than a week was wanted to get them ready for roofing, when they were suddenly arrested by the cold. That and the two succeeding months' were the coldest known since the terrible winter of 1789-90; and all building operations were necessarily brought to a stand. The drought was also severe. From the middle of October to the middle of December, there did not fall rain enough to lay the dust.

The fall elections of 1796, brought an important change to the future life and prospects of Mr. Jefferson. We have seen him reiterating to Madison his strong and determined disinclination against becoming a candidate for the Presidency—and urging the latter to assume that position. The Republican party willed it otherwise. When the subject began to be generally mooted, it became speedily apparent that the decided preferences of that party all pointed to Mr. Jefferson—indeed, that no other man was, or would be, thought of as its candidate. By the middle of summer he was its universally understood nominee, in case General Washington should decline a reëlection. The latter declared his determination to do so, in his celebrated Farewell Address, published in September; and thenceforth the canvass was opened with spirit between Mr. Jefferson and Mr. Adams, who was the candidate of the Federalists.

This remarkable weather for Virginia set in on the 25d of November. It froze that day; and the weather continued so severe, that Mr. Jefferson lost his crop of potatoes by freezing!

Political affairs were not conducted in those days as they now are. From the moment Mr. Jefferson was understood to be a candidate, down to a period considerably subsequent to the election, he wrote but one political letter, and that to Colonel Monroe in France. This barely alludes to an item or two of general politics, but contains not a word in regard to the approaching election. He was not, during the same period, an hour's journey from home. The farm-book keeps up all its usual details. The account-book, a never silent chronicler where money was expended, betrays not an unusual item. Not even an additional newspaper was ordered.

On the 17th of December he wrote Mr. Madison a letter in regard to the recent election, portions of which will be read with surprise :

"Your favor of the 5th came to hand last night. The first wish of my heart was that you should have been proposed for the administration of the government. On your declining it, I wish anybody rather than myself; and there is nothing I so anxiously hope, as that my name may come out either second or third. These would be indifferent to me; as the last would leave me at home the whole year, and the other two-thirds of it. I have no expectation that the Eastern States will suffer themselves to be so much outwitted, as to be made the tools for bringing in P. instead of A.<sup>1</sup> I presume they will throw away their second vote. In this case, it begins to appear possible, that there may be an equal division where I had supposed the Republican vote would have been considerably minor. It seems also possible, that the Representatives may be divided. This is a difficulty from which the Constitution has provided no issue. It is both my duty and inclination, therefore, to relieve the embarrassment, should it happen; and in that case, I pray you and authorize you fully, to solicit on my behalf that Mr. Adams may be preferred. He has always been my senior, from the commencement of our public life, and the expression of the public will being equal, this circumstance ought to give him the preference. And when so many motives will be operating to induce some of the members to change their vote, the addition of my wish may have some effect to preponderate the scale. I am really anxious to see the speech. It must exhibit a very different picture of our foreign affairs from that presented in the adieu, or it will little correspond with my views of them. I think they never wore so gloomy an aspect since the year 1783. Let those come to the helm who think they can steer clear of the difficulties. I have no confidence in myself for the undertaking."

He who should write such a letter as this, under like circumstances, now, would be considered guilty of a great piece of inconsistency, or else of a great piece of puerile affectation. How, with the writer's rooted and earnest political principles—principles to which we have heard him declare Mr. Adams's

<sup>1</sup> Pinckney instead of Adams.

antagonism—could he properly wish the latter success over himself, after permitting himself to be made the candidate of his own party? After such permission, tacit though it was, what right had he to talk of his love of being at home, or his want of confidence in his ability to steer clear of the difficulties which would environ the next administration?

True, the President had not then the appointment of upwards of twenty-five thousand post-masters<sup>1</sup>—an army of revenue officers—regiments of marshals, district-attorneys, territorial officers of every grade, judges, etc.—squadrons of foreign ministers, and great numbers of other officers of various descriptions—as he now has. The President of the United States has, probably, a far greater amount of what may be termed personal patronage than the chief-magistrate of any other country, whose forms are not despotic or allied to the despotic—for although the Senate may reject among a numerous class of his appointees, and perhaps would reject in many departments of office on political grounds, the idea has never been advanced or acted upon that the Senate are entitled to any mere personal option among candidates. Neither Senate, Cabinet, constituencies, nor any other body are held to have any right to control the individual selection of the Executive appointees. It is sufficient in all cases that the President wills it, and that, where the Senate are to approve, there are not particular objections to the individual. In 1796, the rill of patronage had not swelled into an Amazonian river; but still the office of President, if less important to party, was equally important to the nation. The President had the recommending of measures, and the opportunity to give his recommendations prestige and weight (a great one among legislators, partisans, and conservative men irrespective of party) as “administration measures,” so that to oppose them was to oppose “the Government.” He had the veto power, necessarily a tremendous one in the hands of a resolute and managing man when backed by the shred of a party; and still more important, where the Executive party balanced or nearly balanced its opponents. On every account, then, in 1796, when great parties, divided by almost cardinal principles of government, were rough-hewing the future destinies of the Republic, the Presidency was an all important position politically and nationally. Why then, we

<sup>1</sup> Directly or through the Postmaster-General.

repeat, do we, at such a moment, hear Mr. Jefferson talking like a "carpet Knight" about storms, and wishing "to come out either second or third" in the contest? We shall, after tracing a few more facts, attempt to give an answer to this question.

The Presidential and Vice-Presidential candidates in the election of 1796 were John Adams and Thomas Pinckney on the part of the Federalists, and Thomas Jefferson and Aaron Burr on the part of the Republicans. Under the then Constitution, the candidates for both offices were voted for in the electoral college of each State, without designating which the elector intended for the first and which for the second office. Lists of these votes were transmitted to the seat of Government, and the candidate having the greatest number (if a majority of the whole) became President, and the one having the next greatest number, Vice-President. It might thus happen that by the intentional or accidental subtraction of one vote from the real Presidential candidate of the victorious party, he might be reduced to the second position, and a man not voted for by a single Presidential elector in the Union (unless the one who subtracted his vote from the real candidate) with the intention or desire of making him President, would receive that office.<sup>1</sup> If the two highest candidates received an equal number of votes, the House of Representatives (as now) was to proceed immediately to choose by ballot one of them for President, voting by States, each State having one vote, and a majority of all the States being necessary to a choice. In case of a tie on the Vice-President, the Senate was to choose between the equal candidates. This explains the force of Jefferson's expression of his wishes (in the preceding letter to Madison) in case there should be "an equal division" between himself and Mr. Adams. But, in one respect, he contemplated a contingency, as he remarks, not then provided for in the Constitution in saying what he desired done should the Presidential candidates be found in the situation just named—that is, should the ticket or the highest candidates on each ticket receive an equal number of electoral votes, and should the Representatives (voting by States) be also equally divided.

<sup>1</sup> The theory on which this provision was made in the Constitution was that it was necessary to secure equal character and talents in both offices. But never, in practice, was there a more ingenious and successful contrivance to produce intrigue and political dishonesty.

The vote in the electoral college stood for Mr. Adams seventy-one; for Mr. Jefferson sixty-eight; for Mr. Pinckney fifty-nine; for Mr. Burr thirty; for Samuel Adams fifteen; for Oliver Ellsworth eleven; for John Jay five; for George Clinton seven; and ten votes were scattered between five other candidates. Mr. Adams received the entire votes of the New England States, New York, New Jersey, and Delaware; one from Pennsylvania, seven from Maryland, one from Virginia, and one from North Carolina. Mr. Jefferson received the entire votes of South Carolina, Georgia, Kentucky, and Tennessee, fourteen from Pennsylvania, four from Maryland, twenty from Virginia, and eleven from North Carolina. Accordingly Mr. Adams was chosen to the Presidency and Mr. Jefferson to the Vice-Presidency.

Thus Mr. Jefferson lost the office by three scattering votes. Hamilton afterwards pronounced this "a sort of miracle." He said that "in each of the States of Pennsylvania, Virginia, and North Carolina Mr. Adams had one vote. In the two latter States, the one vote was as much against the stream of popular prejudice, as it was against the opinions of the other electors."<sup>1</sup> The family biographer of Mr. Adams says, "A single voice in Virginia and one in North Carolina, prompted by the lingering memory of Revolutionary services had turned the scale." "He felt the insecurity of his position as a President of three votes, as he described himself, and those votes accidental tributes of personal esteem, not likely further to resist the engulfing tendencies of party passion."<sup>2</sup>

Among the results of this election which were peculiarly calculated to gratify Mr. Jefferson, was the vote in his own State Mr. Adams had received the same, and, nominally, a higher compliment in Massachusetts, for he received its entire vote. Mr. Adams was undoubtedly popular with his party at home, except among a little handful of leaders; and his party was completely the dominant one. No special causes operated against him there calculated to endanger easy success. It was not so with Mr. Jefferson. Against him was brought to bear the political prestige of the late administration—of the most eminent

<sup>1</sup> Hamilton on "The public conduct and character of John Adams," etc. Hamilton's Works, vol. vii. p. 696.

<sup>2</sup> Life of John Adams by C. F. Adams, pp. 493, 494.



citizen of the Republic—that citizen a native and resident of Virginia. Mr. Jefferson's vote, however, was in no point of view a triumph over the late President. It simply showed that while Virginia yielded to no other State in the Union in her veneration and affection for Washington, she now, as on all preceding and future occasions, also gave her full confidence to Jefferson.

In both editions of Mr. Jefferson's Writings are to be found two important letters of this period, both declared in their captions to be statements from memory—copies of the originals having been omitted to be retained. The first is directed to John Adams under date of December 28, 1796, and the second to James Madison under date of January 1, 1797.

In two letters which we will give in Appendix,<sup>1</sup> written in 1827 and 1828, will be seen Mr. Madison's solicitation from the representatives of Mr. Jefferson of the return of his political letters addressed to the latter, his acknowledgment of having received them, his return of some extracts which had been requested, and his return of copies of two letters not asked, unless by implication, after having, however, reduced one of them to "an extract only, by lopping from it a paragraph irrelative to the subject." We have received these letters from Mr. Jefferson's family, and shall give them in their place. The lopped letter was Mr. Madison's answer to Mr. Jefferson's of January 1, 1797, and has a curious bearing on the history of this period.

Before giving it, we will present the original version of the two letters to which it forms the answer, published in Jefferson's Works "from memory." That to Mr. Madison was lent by him to Mr. Trist with permission to copy; that inclosed in it, addressed and to be delivered to Mr. Adams (unless Mr. Madison should consider it "ineligible"), was presented to Mr. Trist.\*

Apart from the historical importance of these letters, we have a good opportunity, by comparing them with the statements "from memory," heretofore published, to test Mr. Jefferson's accuracy in this kind of recollections. In the previously published version of that to Madison, a line of asterisks marks a chasm between the two paragraphs of the letter. In the copy below that chasm will be found significantly filled. We give the letters in what seems the most natural order under the circumstances, though it does not accord with that of date:

<sup>1</sup> See APPENDIX, No. 14.    \* The original of this is and will remain in our possession.

THOMAS JEFFERSON TO JAMES MADISON.

MONTPELIER, Jan. 1st., '37.

Yours of Dec. 19 has come safely. The event of the election has never been a matter of doubt in my mind. I knew that the Eastern States were disciplined in the schools of their town meetings, to sacrifice differences of opinion to the great object of operating in phalanx, and that the more free and moral agency practised in the other States would always make up the supplement of their weight. Indeed, the vote comes much nearer an equality than I had expected.<sup>1</sup> I know the difficulty of obtaining belief to one's declarations of a disinclination to honors, and that it is greatest to those who still remain in the world. But no arguments were wanting to reconcile me to a relinquishment of the first office, or acquiescence under the second. As to the first, it was impossible that a more solid unwillingness, settled on full calculation, could have existed in any man's mind, short of the degree of absolute refusal. The only view on which I would have gone into it for a while, was, to put our vessel on her republican tack, before she should be thrown too much to leeward of her true principles. As to the second, it is the only office in the world, about which I am unable to decide in my own mind whether I had rather have it or not have it.<sup>2</sup> Pride does not enter into the estimate; for I think with the Romans, that the general of to-day should be a soldier to-morrow if necessary. I can particularly have no feelings which would revolt at a secondary position to Mr. Adams. I am his junior in life, was his junior in Congress, his junior in the diplomatic line, his junior lately in our civil government. Before the receipt of your letter, I had written the inclosed one to him. I had intended it some time; but had deferred it from time to time, under the discouragement of a despair of making him believe I could be sincere in it. The papers by the last post not rendering it necessary to change anything in the letter, I inclose it open for your perusal; not only that you may possess the actual state of dispositions between us, but that if anything should render the delivery of it ineligible in your opinion, you may return it to me. If Mr. Adams can be induced to administer the government on its true principles, and to relinquish his bias to an English constitution, it is to be considered whether it would not be on the whole for the public good to come to a good understanding with him as to his future elections. He is, perhaps, the only sure barrier against Hamilton's getting in.<sup>3</sup>

Since my last, I have received a packet of books and pamphlets, the choiceness of which testifies that they come from you. The incidents of Hamilton's insurrection is a curious work indeed. The hero of it exhibits himself in all the attitudes of a dexterous balance master.

The Political Progress is a work of value, and of a singular complexion. The eye of the author seems to be a natural acromatic, which divests every object of the glare of color. The preceding work, under the same title, had the same merit. One

<sup>1</sup> Madison's letter to Jefferson of December 5th, produced a momentary impression on the mind of the latter that there might possibly be a tie. But this immediately wore away; and, indeed, a subsequent communication of Mr. Madison would have dispelled all such expectations, had they been retained.

<sup>2</sup> Mr. Trist says: "The estimate here expressed of the office of Vice-President, Mr. Jefferson retained to the end of his life. In his latter days, he, on several occasions, expressed it to me, pointing out the advantages which it combined—high consideration—sufficient salary—leisure," etc. etc.

These were familiar views of Mr. Jefferson, well known throughout his family circle.

<sup>3</sup> Mr. Trist says: "On the — day of December, 1827, just before I left Montpelier, Mr. Madison and myself were reading over this letter together, which he had just found, after considerable search among his papers. When he came to the end of this paragraph Mr. M. stopped, shook his head, and said: 'Hamilton never could have got in.'"

is disgusted indeed, with the ulcerated state which it presents of the human mind; but, to cure an ulcer, we must go to its bottom; and no writer has ever done this more radically than this one. The reflections into which he leads one are not flattering to our species. In truth, I do not recollect in all the animal kingdom a single species but man, which is eternally and systematically engaged in the destruction of its own species. What is called civilization seems to have no other effect on him than to teach him to pursue the principle of *bellum omnium in omnia*, on a larger scale; and in place of the little contests of tribe against tribe, to engage all the quarters of the earth in the same work of destruction. When we add to this, that, as to the other species of animals, the lions and tigers are mere lambs compared with man as a destroyer, we must conclude that it is in man alone that nature has been able to find a sufficient barrier against the too great multiplication of other animals, and of man himself: an equilibrating power against the fecundity of generation. My situation points my views chiefly to his wars in the physical world; yours perhaps exhibits him as equally warring in the moral one. We both I believe, join in wishing to see him softened. Adieu.

TH. JEFFERSON.

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THOMAS JEFFERSON TO JOHN ADAMS.

(Inclosed in the preceding.)

MONTICELLO, Dec. 23<sup>rd</sup>, 1796.

DEAR SIR:

The public and the public papers have been much occupied lately in placing us in a point of opposition to each other. I trust with confidence that less of it has been felt by ourselves personally. In the retired canton where I am, I learn little of what is passing: pamphlets I see never; papers but a few; and the fewer the happier. Our latest intelligence from Philadelphia at present is of the 16th inst. But tho' at that date your election to the first magistracy seems not to have been known as a fact, yet with me it has never been doubted. I knew it impossible you should lose a vote north of the Delaware, and even if that of Pennsylvania should be against you in the mass, yet that you would get enough south of that to place your succession out of danger. I have never one single moment expected a different issue; and tho' I know I shall not be believed, yet it is not the less true, that I have never wished it. My neighbors, as my compurgators, could aver that fact, because they see my occupations and my attachment to them. Indeed it is possible that you may be cheated out of your succession by a trick worthy the subtlety of your arch-friend of New York, who has been able to make of your real friends tools to defeat their and your just wishes. Most probably he will be disappointed as to you, and my inclinations place me out of his reach. I leave to others the sublime delight of riding in the storm, better pleased with sound sleep and a warm berth below, with the society of neighbors, friends, and fellow-laborers of the earth, than of spies and sycophants. No one, then, will congratulate you with purer disinterestedness than myself. The share indeed which I may have had in the late vote, I shall still value highly, as an evidence of the share I have in the esteem of my fellow-citizens. But still, in this point of view, a few votes less would be little sensible; the difference in the effect of a few more would be very sensible and oppressive to me. I have no ambition to govern men. It is a painful and thankless office. Since the day, too, on which you signed the treaty of Paris, our horizon

was never so overcast. I devoutly wish you may be able to shun for us this war, by which our agriculture, commerce, and credit will be destroyed. If you are, the glory will be all your own; and that your administration may be filled with glory and happiness to yourself and advantage to us, is the sincere wish of one who, tho', in the course of our voyage through life, various little incidents have happened or been contrived to separate us, retains still for you the solid esteem of the moments when we were working for our independence, and sentiments of respect and affectionate attachment.

TH. JEFFERSON.

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JAMES MADISON TO THOMAS JEFFERSON.

(Extract.)

PHILADELPHIA, January 15, 1797.

DEAR SIR:

The last mail brought me your favor of Jan'y 1st, inclosing an unsealed one for Mr. A., and submitting to my discretion the eligibility of delivering it. In exercising this delicate trust, I have felt no small anxiety; arising by no means, however, from an apprehension that a free exercise of it could be in collision with your real purpose, but from a want of confidence in myself, and the importance of a wrong judgment in the case. After the best consideration I have been able to bestow, I have been led to suspend the delivery of the letter, till you should have an opportunity of deciding on the sufficiency or insufficiency of the following reasons: 1st. It is certain that Mr. Adams, on his coming to this place, expressed to different persons a respectful cordiality towards you, and manifested a sensibility to the candid manner in which your friends had in general conducted the opposition to him. And it is equally known that your sentiments towards him personally have found their way to him in the most conciliatory form. "This being the state of things between you, it deserves to be considered whether the idea of bettering it is not outweighed by the possibility of changing it for the worse. 2d. There is perhaps a general air on the letter, which betrays the difficulty of your situation in writing it; and it is uncertain what the impression might be, resulting from the appearance. 3d. It is certain that Mr. A. is fully apprised of the trick aimed at by his pseudo friends of New York; and there may be danger of his suspecting, in mementos on that subject, a wish to make his resentment an instrument for avenging that of others. A hint of this kind was some time ago dropped by a judicious and sound man, who lives under the same roof, with a wish that even the newspapers might be silent on that point. 4th. May not what is said of "the sublime delights of riding in the storm," etc., be misconstrued into a reflection on those who have no distaste to the helm at the present crisis? You know the temper of Mr. A. better than I do; but I have always conceived it to be rather a ticklish one. 5th. The tenderness due to the zealous and active promoters of your election, makes it doubtful whether their anxieties and exertions ought to be depreciated by anything implying the unreasonableness of them. I know that some individuals who have deeply committed themselves, and probably incurred the political enmity at least of the P. elect, are already sore on this head. 6th. Considering the probability that Mr. A.'s course of administration may force an opposition to it from the Republican quarter, and the general uncertainty of the posture which our affairs may take, there may be real embarrassments from giving written possession to him, of the degree of compliment and confidence which your personal delicacy and friendship have suggested.

I have ventured to make these observations, because I am sure you will equally appreciate the motive and the matter of them ; and because I do not view them as inconsistent with the duty and policy of cultivating Mr. Adams's favorable disposition, and giving a fair start to his Executive career. As you have, no doubt, retained a copy of the letter, I do not send it back as you request. It occurs, however, that if the subject should not be changed in your view of it, by the reasons which influence mine, and the delivery of the letter be accordingly judged expedient, it may not be amiss to alter the date of it, either by writing the whole over again, or authorizing me to correct that part of it.<sup>1</sup>

We return now to the question ; what mean these avowals concerning, and to President Adams—suppressed by the greater and (as things resulted) more discreet caution of Madison ? Was the *nolo episcopari* of the defeated candidate insincere ? Was it an artifice to wheedle Mr. Adams ? Or was Jefferson, partly from friendship, and partly from disinclination to encounter the storm, willing to resign the helm to the hand of a pilot who he knew would not “put our vessel on her Republican tack before she should be thrown too much to leeward of her true principles ?”

None of these conclusions are necessarily deducible from the facts. Whatever Mr. Adams's theoretical opinions in politics, his practical line of action was already known to vary most essentially from Hamilton's. He was not suspected of any fondness for stupendous treasury schemes. He was known to have no real partialities for England. He was not an “exotic” by the accident of birth, or in his impressions of his own character and “genus.” “This American world” was “made for him ;” he both loved and was proud of it. He was as widely separated from Hamilton in personal feelings as in political designs. The latter had never made a show of befriending him, except when it was necessary to attribute a criminal intent to Jefferson's J. B. Smith letter.\* He had no hopes that he could render Mr. Adams a tool. He and his particular friends had submitted to Mr. Adams's nomination only as a matter of necessity.<sup>1</sup> He had recently attempted to procure his defeat for the

<sup>1</sup> In regard to the “lopping” which this letter underwent, before it was returned by Mr. Madison, Mr. Trist says: “The paragraph lopped off related to the politics of the hour, in connection (so far as memory serves) with Colonel Hamilton. Whatever it was, it was not trivial or unimportant, but the reverse in a high degree.”

The last fact would be readily guessed. We venture to conjecture the lopped portion was a reply to the middle paragraph of Jefferson's letter of January 1st.

\* See ante, p. 4 and 72.

<sup>1</sup> See Ames and Wolcott's declarations on this point. Gibbe's Memoirs, etc. vol. II.

Presidency by bringing in Mr. Pinckney over his head.' Mr. Adams knew the course that he and some other chiefs of the ultra Federal school had pursued in the election.\* He ought to have known that as President he would be compelled to submit to the dictation of these men, or encounter their deadly opposition—the more deadly as they could fire upon him within his own party camp. Again, Jefferson had an abiding faith in Mr. Adams's personal integrity under all circumstances. But while he believed Hamilton was "disinterested, honest and honorable in all private transactions," he considered him "so bewitched and perverted by the British example as to be under thorough conviction that corruption was essential to the government of a nation." How far the disclosures made by Hamilton's now published Works would have modified Jefferson's conclusions in either of the particulars here expressed, we will not undertake to say.

Lastly, there is no doubt that Jefferson dreaded Hamilton's ambition and his designs. He not unfrequently mentioned the impression—the chill—that came over him on hearing Hamilton extravagantly praise the character of Julius Cæsar, and pronounce him the greatest man that ever lived.<sup>4</sup> If we were unable to conjecture the reasons why these remarks should have produced so strong an effect, perhaps we should find a clue to it in a declaration of Cicero's,<sup>5</sup> that Cæsar had frequently in his mouth a verse of Euripides "which expressed the image of his soul," that "if right and justice were ever to be violated, they were to be violated for the sake of reigning," or words to that effect. That Jefferson believed that Hamilton was capable of

pp. 368, 400. See also Hamilton's "Public Character, etc., of John Adams," in the 7th vol. of his Works.

<sup>1</sup> Hamilton menacingly insisted on an equal support of Adams and Pinckney in New England, to make sure, as he alleged, of defeating Jefferson, but he admitted that this "would have given Mr. Pinckney a somewhat better chance than Mr. Adams," that "an issue favorable to the former would not have been disagreeable to him," as "he declared at the time in the circles of his confidential friends." (Hamilton's Works, vol. vii. pp. 694 and 695.) In other words, Hamilton labored to the verge of political safety, to bring about a state of things which he was morally certain would procure Pinckney's elevation over Adams, the real and avowed candidate of his party.

For the complicity of other parties to this scheme, see two letters from Higginson to Hamilton. Hamilton's Works, vol. v. pp. 185, 191. Also Oliver Wolcott, sen., to his son and Goodrich to Wolcott. Gibbs's Memoirs, etc., vol. i. pp. 408, 411, *cum mult. al.*

<sup>2</sup> See letter of John Adams to his wife, Dec. 12, 1796. Life of John Adams by C. F. Adams, p. 495.

<sup>3</sup> Ana. Randolph's edition, vol. iv. p. 451; Congress edition, vol. ix. p. 97.

<sup>4</sup> A statement of this general tenor appears somewhere in Mr. Jefferson's writings. We do not for the moment recollect where it is.

<sup>5</sup> This statement is attributed to Cicero in Dr. Middleton's Life of him.

nourishing dangerous practical designs—that he suspected precisely what Gouverneur Morris suspected, that Hamilton contemplated in some “crisis” resorting to the sword—we shall have clear proof.

The result of the Presidential election in 1796, in the face of Jay's treaty, discouraged Jefferson of the success of the Republican party unless the contest could be rendered less a geographical one. His views on this head are sufficiently given in the letter to Madison of January 1st, 1797. And he felt there could be no decisive and permanent advantage secured by merely electing a Republican President, while Congress and the numerical weight of the country were against him. He believed that the only hope against greater evils lay in a union with the moderate Federalists, and that this was absolutely necessary to prevent the ultras from soon succeeding to power—probably to prevent Hamilton himself from becoming President. He doubtless felt satisfied that if Mr. Adams could be separated from the ultra-Federalists, placed in an attitude of antagonism to them, rendered dependent upon the Republican party, surrounded by its chiefs, who were men of immeasurably more ability than the chiefs of the moderate Federalists, the result would be rather an absorption of than a coalition with the latter. Possibly Jefferson felt that his own influence with Mr. Adams personally and as the Republican leader, and his convenient propinquity to him as Vice-President, would enable him to render that absorption certain and complete.

Mr. Adams was certainly much nearer to the Hamiltonians than to the Republicans in certain theories. In his views of practical policy he was, until he became intoxicated with the possession of authority, nearer the latter; or, at least, with his large and warm heart and early democratic biases, he would have found it much more easy to diverge from his own line to them than to their opponents. Hamilton had no hold on the Federal masses compared with Adams, but he had made himself a dictator among a great majority of their leaders, and this even in Mr. Adams's own State. Ames, Sedgwick, Cabot, Pickering, and the whole “Essex Junto,” were thorough Hamiltonians. There was no moderate Federal party in Congress beyond a mere wing, nor could there be so long as the able, energetic and managing Federal chiefs in every State where the party could

elect Congressmen were Hamiltonians. Mr. Adams could not therefore possibly sustain his administration without the support of either the ultra-Federalists or the Republicans. He would be forced to concede a good deal to secure either.

From quarters from which we should not have expected it, namely from Mr. Adams's friends and apologists, we have seen the idea held out that there was something specially designing, and intended to wheedle, in Jefferson's advance to Mr. Adams on this occasion. The facts do not furnish any color for the hypothesis that Mr. Jefferson thought so poorly of the President as to believe that he could be seduced away from a party to which he was united by principle and affection, merely by the promise of what this same hypothesis would presume he would not be compelled to look for from any new friends. If Mr. Adams entertained the same views with a great proportion of the Federal Members of Congress—if there were no concealed differences of opinion, or disaffection between him and the chiefs of that victorious party who ostensibly stood around him—what kind of a lure would it be if he was supposed in his senses, and the offerer was in his senses, to offer him the support of a minority in exchange for that of a majority?

But neither Mr. Adams himself, nor the Hamiltonians believed there was such political and personal harmony between them. Mr. Adams wrote to his wife, December 12th, 1796:

"If Colonel Hamilton's personal dislike of Jefferson does not obtain too much influence with Massachusetts electors, neither Jefferson will be President, nor Pinckney Vice-President.

"I am not enough of an Englishman, nor little enough of a Frenchman, for some people. These would be willing that Pinckney should come in chief. But they will be disappointed. \* \* \*

"Giles says, 'the point is settled The V. P. will be President. He is undoubtedly chosen. The old man will make a good President too.' (There's for you.) 'But we shall have to check him a little now and then. That will be all.' Thus Mr. Giles. \* \* \*

"The Southern gentlemen with whom I have conversed, have expressed more affection for me than they ever did before, since 1774. They certainly wish Mr. Adams elected rather than Mr. Pinckney. Perhaps it is because Hamilton and Jay are said to be for Pinckney. \* \* \*

"There have been manoeuvres and combinations in this election that would surprise you. I may one day or other develop them to you.

"There is an active spirit in the Union who will fill it with his politics wherever he is. He must be attended to, and not suffered to do too much."<sup>1</sup>

<sup>1</sup> Life of John Adams, p. 496. But strangely enough (or what would appear strangely enough in any other man), in answer to a letter of Gerry, of February 3d, (See Adams's



While Mr. Adams thus dreaded "the active spirit" of Hamilton, it is certain, if we may trust his own assertions, that he entertained no corresponding suspicions of Jefferson, and was not aware that they differed very materially in their views of the United States Constitution. Giving (in 1809) a published account of a transaction which took place immediately after his inauguration in the Presidency, he said :

"I sought and obtained an interview with Mr. Jefferson. With this gentleman I had lived on terms of intimate friendship for five-and-twenty years, had acted with him in dangerous times and arduous conflicts, and always found him assiduous, laborious, and, as far as I could judge, upright and faithful. Though by this time I differed with him in opinion by the whole horizon concerning the practicability and success of the French Revolution and some other points, I had no reason to think that he differed materially from me with regard to our national Constitution. I did not think that the rumbling noise of party calumny ought to discourage me from consulting men whom I knew to be attached to the interest of the nation, and whose experience, genius, learning, and travels had eminently qualified them to give advice. I asked Mr. Jefferson what he thought of another trip to Paris, and whether he thought the Constitution and the people would be willing to spare him for a short time. 'Are you determined to send to France?' 'Yes.' 'That is right,' said Mr. Jefferson; 'but without considering whether the Constitution will allow it or not, I am so sick of residing in Europe, that I believe I shall never go there again!' I replied, 'I own I have strong doubts whether it would be legal to appoint you; but I believe no man could do the business so well. What do you think of sending Mr. Madison? Do you think he would accept an appointment?' 'I do not know,' said Mr. Jefferson. 'Washington wanted to appoint him some

Works, vol. viii. p. 520.) Mr. Adams wrote, February 13th (two months after the letter to his wife):

"Phocion, the ex-Secretary, and their connections, did not, I believe, meditate by surprise to bring in Pinckney. I believe they honestly meant to bring in me; but they were frightened into a belief that I should fail, and they, in their agony, thought it better to bring in Pinckney than Jefferson, and some, I believe, preferred bringing in Pinckney President, rather than Jefferson should be Vice-President. I believe there were no very dishonest intrigues in this business. The zeal of some was not very ardent for me, but I believe none opposed me."—*Adams's Works*, vol. viii. p. 524.

To this Mr. Adams's editor and biographer, so ready to impute "discrepancies" of statement, "vapors of duplicity," stratagems, etc., to others besides the subject of his biography, attaches a note after the words "bring in me," as follows:

"Not many days after the confident expression of this opinion, Mr. Adams received from an old friend in Albany unequivocal evidence of the secret hostility of Mr. Hamilton and his immediate friends. \* \* \* Mr. Jefferson, far more keen sighted in stratagem, had hit the truth two months earlier," etc.

This gentleman has a convenient way of citing unnamed or unquoted (in the words) witnesses to supply links to his theories—as we shall see on a more conspicuous occasion, where Mr. Jefferson is named. But it would seem in the above case, from his letter to his wife, that Mr. (John) Adams did not need the anonymous intimations with which we are now furnished in the supplied link of facts—but that he actually, for once, was as "keen-sighted in stratagem" as Jefferson himself!

John Adams does not really need any testimony named or unnamed to explain away the most rapid transition and re-transition in his statements. On the contrary, inconsistency in his declarations is so much more habitual than consistency, that we should suspect him of a "stratagem" himself, did we find him agreeing with himself through two or three consecutive narrations of the same fact. He was only consistent in inconsistency.

time ago, and kept the place open for him a long time ; but he never could get him to say that he would go.' Other characters were considered, and other conversation ensued. We parted as good friends as we had always lived ; but we consulted very little together afterwards. Party violence soon rendered it impracticable, or at least useless, and this party violence was excited by Hamilton more than any other man.

"I will not take leave of Mr. Jefferson in this place without declaring my opinion that the accusations against him of blind devotion to France, of hostility to England, of hatred to commerce, of partiality and duplicity in his late negotiations with the belligerent powers, are without foundation."<sup>1</sup>

It appears from this that Mr. Adams was quite as ready for a union with the Republicans, as any of them could be with him—that he made the first important actual advance—that he was willing, two months after the date of Jefferson's suppressed letter to him, to give Jefferson or Mr. Madison an office on the successful conduct of which, under the precise circumstances of the time, the whole fate of his own administration hung.

We could readily accumulate proof to any amount to show that Adams entered the Presidency sufficiently conscious of his true position, to be anxious to form that union which Jefferson suggested to Madison.

In Mr. Trist's Memoranda occurs the following passage, giving the substance of Madison's letter to Jefferson, on the points under examination, in a little more unvarnished form :

"Yesterday, July 15th, 1827, speaking of Mr. Adams [Mr. Madison said]: 'On coming into the office of President, he brought with him a sincere disposition to conciliate the Republican party—to bring them into the administration and give them their share of it—but his advisers, Hamilton, Pickering, etc., would not hear of it. He was wrought up into a frenzy almost by those around him.' 'You speak in that letter [Madison's letter to Jefferson of January 15, 1797] of H———'s treachery to Adams—what was that?' Why, sir, A. had been taken up by the Federal party as their candidate ; but the ultra-Federalists, as they may be called, fearing that he would not be disposed to go as far as they might wish, took up Pinckney as their candidate."<sup>2</sup>

<sup>1</sup> Mr. Adams's Correspondence originally published in the Boston Patriot. See his Works, vol. ix. p. 285.

<sup>2</sup> This postscript of the conversation of the 15th is preceded, in the Memoranda, by a report of the conversation of that day, written immediately after, which, though it contains irrelevant matter, we cannot bring ourselves to omit from the liberal apology it offers for the early Federalists, from the justice it does Mr. Adams, and from the favorable opinion it records of the manly elder Wolcott, whom it is our province to meet in these pages only in one unfortunate phase—croaking against Republican government.

<sup>3</sup> *UNIVERSITY*, July 15th, 1817.—Mr. Madison [said]:

"I have reasons to believe that Mr. Adams's objections to Democracy were considerably mitigated towards the close of his life. I have had a correspondence with him since I left public life, and on one occasion expressed a belief that our institutions would—and his answer was such as to induce the above opinion. At the time he wrote his

The ultra-Federalists understood Mr. Adams's leanings as well as they were understood by himself and the Republicans.

Hamilton wrote to King, February 15th :

"Mr. Adams is President, Mr. Jefferson Vice-President. Our Jacobins say they are well pleased, and that the lion and the lamb are to lie down together. Mr. Adams's personal friends talk a little in the same way : 'Mr. Jefferson is not half so ill a man as we have been accustomed to think him. There is to be a united and a vigorous administration.' Skeptics like me quietly look forward to the event, willing to hope, but not prepared to believe. If Mr. Adams has vanity, 'tis plain a plot has been laid to take hold of it. We trust his real good sense and integrity will be a sufficient shield."<sup>1</sup>

Hamilton, in his letter on "The public conduct and character of John Adams," etc., published in 1800, said :

"The outset [of Mr. Adams's Presidency] was distinguished by a speech which

book, he was in England—he had witnessed considerable evils and eruptive symptoms arising from the Democratical institutions in his own country—his mind was filled with the history of past Democracies.

"Do you know that in his youth he was a thorough-going Democrat; and have you ever seen his letter to Mr. Wythe?" "No!" "Well, sir, Mr. W. always entertained a great regard for him. In fact, sir, when the delegation came back, their months were full of his praises—his eloquence—his logical argumentativeness. Mr. W. wrote to ask his opinions on a form of government; and his answer proves that he went as far in his choice of the Democratic principle, as any man even now does in these States. Every office was to be annually elective. The Government was to have not only the most complete dependence on, but the closest sympathies with the people." "There is considerable excuse for the wanderings (the word used was one taken from astronomy) of the eastern politicians. Many eruptive symptoms had appeared among them; a jealous, levelling spirit, such as to create just alarm. There was a strong inclination manifested in that section not to pay debts, not to do anything which could tend to create wealth. So strong was this, that it influenced the votes of their representatives. On the question for paying the army, we had eight States; it required nine. It turned on the vote of Connecticut. These representatives were Dyer, a man of gentlemanly manners, who had seen the world (he had been to England), but not of very sound principle. Wolcott, an honest man. Wolcott determined that he would brave the storm that awaited him at home. Dyer hung back. He was of course very much pressed. At length, he consented, on condition that it should be referred to a committee, and that he should be allowed to write a preamble. In this he was indulged. You know the very proper principle that the resolution is first adopted; and then, the preamble; in order that the latter may be made to fit. This was the course in this instance. The resolution being adopted—the preamble came under consideration. Whereupon, a good many criticisms were made upon the preamble (not in earnest; but some of the members felt provoked at the uneasiness which D. had caused them to experience), and he was kept for an hour as pale as a sheet under the apprehension that his preamble would be rejected." (Written directly after by N. P. T.)

Under the date of 16th, is one of those parenthetical anecdotes which Mr. Madison's humor and irresistible way of relating made such a seasoning to his familiar and especially his table-talk.

Some days previous, speaking of the distress experienced during the Revolution :

"Did I ever tell you of the loss of my hat?" "No." "Well, sir, I was staying at Bp. Madison's in Williamsburg (he was not yet Bp. by-the-by), and my hat was stolen out of the window in which I had laid it. It was about a mile from the house to the palace, and I was kept from going to the latter two days, by the impossibility of getting a hat of any kind. At last, however, I obtained one from a little Frenchman who sold snuff—very coarse—an extremely small crown and broad brim, and it was the subject of great merriment to my friends."

<sup>1</sup> Hamilton's Works, vol. vi. p. 206.

his friends lamented as temporizing. It had the air of a lure for the favor of his opponents, at the expense of his sincerity.

"The considerations which had reconciled me to the success of Mr. Pinckney, were of a nature exclusively public. They resulted from the disgusting egotism, the distempered jealousy, and the ungovernable indiscretion of Mr. Adams's temper, joined to some doubts of the correctness of his maxims of administration. Though in matters of finance he had acted with the Federal party, yet he had more than once broached theories at variance with his practice. And in conversation he repeatedly made excursions in the field of foreign politics, which alarmed the friends of the prevailing system."<sup>1</sup>

Elsewhere in the paper, the intimation that Mr. Adams, though he acted for the Treasury Schemes, so far as his official position required, talked against them, appears in the more explicit declaration that he gave "the sanction of his opinion to the worst of the aspersions which the enemies of the Administration [Washington's] had impudently thrown upon it"—had "stooped himself to become one of its calumniators."<sup>2</sup>

Letters written just before and just after Mr. Adams's accession to the Presidency by a multitude of other leading ultra Federalists, more or less directly show that they entertained similar suspicions in regard to Mr. Adams's political opinions and leanings. We will cite a few of the first that present themselves: General Schuyler (Hamilton's father-in-law) to Hamilton, March 19th;<sup>3</sup> O. Wolcott, sen., to O. Wolcott, jr., March 20th;<sup>4</sup> Ames to O. Wolcott, jr., March 24th;<sup>5</sup> Jeremiah Wadsworth to O. Wolcott, jr., March 26th.<sup>6</sup>

That Adams most keenly felt and resented their preference for Pinckney, the ultra-Federalists had no doubt. Hamilton directly charged, in the paper we have quoted from, that it was the source of the "schism which had since grown up in the Federal party"—that "Mr. Adams never could forgive the men who had been engaged in the plan"—that "he had discovered bitter animosity against several of them"—that "against him [Hamilton] his rage had been so vehement as to have caused him, more than once, to forget the decorum which, in his situation, ought to have been an inviolable law"—that "it would not appear an exaggeration to those who had studied his charac-

<sup>1</sup> See Hamilton's Works, vol. vii. p. 695.

<sup>2</sup> *Ib.* p. 701.

<sup>3</sup> *Ib.* vol. vi. p. 213.

<sup>4</sup> Gibbs's Memoirs, etc., vol. i. p. 476.

<sup>5</sup> *Ib.* p. 477.

<sup>6</sup> *Ib.* p. 478.

ter, to suppose that he was capable of being alienated from a system to which he had been attached, because it was held by men whom he hated."<sup>1</sup>

We are enabled, in the light of the preceding facts, properly to estimate the hypothesis that Jefferson proposed a coalition with a thorough-going opponent, and with a man he expected to meet at least half way in yielding up opinions and principles; and then that the lure thrown out to Mr. Adams's somewhat old political virginity and simplicity was the proffer of the support of the minority instead of that of the majority! And we are enabled properly to estimate a much more important matter in question—Jefferson's real motives and expectations in suggesting such a union. There remains no reasonable doubt that he expected to absorb Mr. Adams into a substantially complete coaction with the Republicans. Had the offer of the Republican support been formally made and accepted by the latter, those familiar with all the circumstances and with the characters of the several actors, will have very little doubt that Mr. Jefferson's expectations of the result would not have been materially disappointed. It would have been a shorter step for Mr. Adams to go among the Republicans in 1797, than it was to go among them as he did, a few years later, after meanwhile placing himself in a far wider position of political and personal hostility to them.

It is to be regarded as fortunate, however, that Madison did not act on the suggestion of Jefferson made on a partial view from his "retired canton;" or, at all events, that no such union took place between the Republicans and the moderate Federalists. Mr. Adams was imprudent, headstrong, irascible and capricious. Men of the prudence and tact of Jefferson and Madison, might have kept consistency and smooth sailing as long as they could remain close about his person. But there was no telling what sudden explosion might follow their momentary absence, or the approach of such ignited masses as Giles. It is amusing to observe the tone, half of gratification and half of readiness to scent offence, with which Mr. Adams described to his wife,<sup>2</sup> the rough and rapid wooing of the unceremonious Virginia partisan. And then we suspect that no proof can be

<sup>1</sup> Hamilton's Works, vol. vii. p. 696.

<sup>2</sup> Letter of December 12, 1796.

found that Mr. Adams would have considered himself called upon to retire at the close of a second term; and that the probabilities lean decidedly the other way.

At best, things would have rested on an insecure basis, with a man, to borrow Madison's expressive phrase, of so "ticklish" a temper; and unfortunate deviations or concessions might have been sometimes required to keep harmony with him, and with that handful of moderate Federal leaders whom he would bring to the alliance.

It was far better that the Republicans should be kept in the minority, four years longer, and when they did come into power, that they should come with no shackles on their action, no "old men of the sea," on their shoulders. Besides, in 1796-7, a victory of the Republicans could not of possibility have been decisive. Parties had not ripened and exposed their real aims. Had the Federalists been defeated either in that election, or by a subsequent union of the moderates, they would have gone down ostensibly with the mantle of Washington covering them—ostensibly but a conservative republican party. It was well that they were allowed a trial when the eye and ear of the great and good Statesman were no longer in a place to discover and control their machinations. It was necessary that Icarus should guide his own flight and attempt a higher one than the wise Dædalus, to make his fall certain and fatal!

The moment Mr. Jefferson learnt the result of the Pennsylvania election, he discovered his error. He found that geographical considerations had not prevailed. And he caught with marvellous celerity a great political idea. Speaking of a territorial dispute between Virginia and Maryland, in a letter to Madison, January 22d (1797), he said:

"Let us cultivate Pennsylvania and we need not fear the universe." (And the idea thus expands.) "Let but this block [Virginia] stand firm on its basis, and Pennsylvania do the same, our Union will be perpetual, and our general Government kept within the bounds and form of the Constitution."

In the same letter to Mr. Madison (written before receiving an answer to his preceding one of January 1st), he said that he was happy to learn that Mr. Adams "spoke of him with great friendship and with satisfaction in the prospect of administering the government in concurrence with him," and he added:

"I am glad of the first information, because though I saw that our ancient friendship was affected by a little leaven, produced partly by his constitution, partly by the contrivance of others, yet I never felt a diminution of confidence in his integrity, and retained a solid affection for him. His principles of government I knew to be changed, but conscientiously changed. As to my participating in the administration, if by that he meant the Executive cabinet, both duty and inclination will shut that door to me. I cannot have a wish to see the scenes of 1793 revived as to myself, and to descend daily into the arena like a gladiator, to suffer martyrdom in every conflict. As to duty, the Constitution will know me only as the member of a legislative body: and its principle is, that of a separation of legislative, Executive, and judiciary functions, except in cases specified. If this principle be not expressed in direct terms, yet it is clearly the spirit of the Constitution. and it ought to be so commented and acted on by every friend to free government."

Receiving Madison's reply to his letter of January 1st, he wrote :

TO JAMES MADISON.

MONTICELLO, January 26, 1797.

Yours of the 18th<sup>1</sup> came to hand yesterday. I am very thankful for the discretion you have exercised over the letter. That has happened to be the case, which I knew to be possible, that the honest expression of my feelings towards Mr. Adams might be rendered *mal-apropos* from circumstances existing, and known at the seat of Government, but not known by me in my retired situation. Mr. Adams and myself were cordial friends from the beginning of the Revolution. Since our return from Europe, some little incidents have happened, which were capable of affecting a jealous mind like his. His deviation from that line of politics on which we had been united, has not made me less sensible of the rectitude of his heart; and I wished him to know this, and also another truth, that I am sincerely pleased at having escaped the late draft for the helm, and have not a wish which he stands in the way of. That he should be convinced of these truths, is important to our mutual satisfaction, and perhaps to the harmony and good of the public service. But there was a difficulty in conveying them to him, and a possibility that the attempt might do mischief there or somewhere else; and I would not have hazarded the attempt, if you had not been in place to decide upon its expediency. It has now become unnecessary to repeat it by a letter. \* \* \*

In letters of this period to Mr. Langdon of New Hampshire, Mr. Sullivan and Gerry of Massachusetts, Doctor Rush of Pennsylvania, etc., he most pointedly asserted that his having been a candidate for the Presidency, was contrary to his inclinations, and that he preferred the second office.

<sup>1</sup> This undoubtedly refers to Madison's letter dated 15th, which we have given. Our copy has the date of 15th, but both editions of Mr. Jefferson's Works the 18th, as above. There has been a slip of the pen or of the type. Randolph's edition is generally very accurately printed. The other is a blotch of errors, and we presume that where it gives the same letters with Randolph's edition, they were copied from the latter to save the (unnecessary) trouble of making copies of the MSS. for the printer. If this is so, it adds nothing to the authority of the text of Randolph's edition.

Perhaps it may be thought in these declarations—

— “ Good King Robert’s eye  
Might have some glance of policy;”

and if so, we have no disposition to combat the theory as dis-  
creditable, or as at all invalidating the veracity of Mr. Jeffer-  
son’s affirmations.



## CHAPTER VII.

1797.

**Presidential Vote declared—Expectations that Jefferson would refuse the Vice-Presidency—Steps he took thereon—His Views on proper Method of notifying the Elected Candidates—His Efforts to Escape a Ceremonious Reception—His Reception—Interview with the President and Mr. Adams's Overtures—Sworn into Office—His Speech—Scene of the Inauguration—President's Speech—Sequel to preceding Interviews with President—Jefferson returns Home—Letter to Mrs. Randolph—Action of French Government on receiving the Treaty of London—Action of American Government—Hamilton appearing to great Advantage—Mr. Adams's real Feelings in respect to our Foreign Relations when he entered the Presidency—Character of the Members of his Cabinet—Their unfortunate Influence over him—Early Indications of this—Pinckney ordered out of France—President convenes Congress—His violent Message—Answers of the Houses—Congress enters upon War Measures—Cooled by News of French Victories—Jefferson's View of the Call of an Extra Session, and of the President's Speech—Last Political Link between him and Adams snapped—Another Theory, based on Misrepresentation—Origin of Jefferson's Parliamentary Manual—Letters to his Daughters—The Mazzei Letter published in the United States—Its Inaccuracies and Interpolations—Comments of Federal Press—Jefferson to Madison on the Subject—Washington's manner of receiving the Letter—Marshall's Statements—Pickering's absurd Assertions and Conjectures—Jefferson's Denial—Sparks's supposed Suspicions that Correspondence had been abstracted from Letter-books of Washington—His Letter to Author on the Subject—History of the Langhorne Letter—The "Falsehoods of a Malignant Neighbor"—Jefferson's Personal Feelings towards Washington—A Remark of Lafayette—Testimony of Mr. Jefferson's Family—Jefferson President of American Philosophical Society—Charge of Judge Iredell at United States Court at Richmond—Grand Jury present Letters of Members of Congress—Jefferson's deep Feeling on the Subject—His Home Life during the Summer of 1797.**

On the 8th of February, 1797, the votes for President and Vice-President having been opened and declared in the presence of the two houses of Congress, Vice-President Adams rose and proclaimed John Adams and Thomas Jefferson President and Vice-President of the United States from the 4th of March next; and in the fullness of his heart he proceeded to "ask grace" as follows: "And may the Sovereign of the Universe, the ordainer of civil government on earth for the preservation

of liberty, peace and justice among men, enable them both to discharge the duties of those offices with conscientious diligence, punctuality and perseverance!"

It had been widely reported that Mr. Jefferson would, in all probability, decline accepting the Vice-Presidency; and therefore, though "not aware of any necessity of going on to Philadelphia immediately, yet, as a mark of respect to the public, and to do away the doubts which had spread that he should consider the second office as beneath his acceptance," he determined on a winter journey to Philadelphia—"a tremendous undertaking for him," he said, "who had not been seven miles from home since his re-settlement"<sup>1</sup>—for the purpose of presiding at the usual special session of the Senate on the 4th of March, and which was not likely to continue beyond one day.

To Mr. Tazewell, one of the Virginia senators, he wrote, January 16th, mentioning that on the first election of President and Vice-President, he heard "gentlemen of considerable office were sent to notify the parties chosen. But that was the inauguration of our new Government, and ought not to be drawn into example. At the second election both gentlemen were on the spot and needed no messengers. On the present occasion the President would be on the spot, so that what was now to be done respected himself alone." For these reasons, and from the great inconvenience which would often arise from the custom, he hoped "the Senate would adopt that method of notification which would always be least troublesome and most certain," namely, the post-office. As there might be a difference in the Senate on the subject, from the impression of members of what might be his preferences, he authorized Mr. Tazewell, "if a different proposition should make it necessary," to declare what those preferences were.

He again wrote Madison, January 30th, that he was satisfied he could as legally be sworn in at home, but that "he should come on, on the principle which had first determined him—respect to the public." He added, "I hope I shall be made a part of no ceremony whatever. I shall escape into the city as covertly as possible. If Governor Mifflin should show any symptoms of ceremony, pray contrive to parry them."

<sup>1</sup> Jefferson to Madison, Jan. 22, 1797.

On the 20th day of February he set out for Philadelphia. He drove a phaeton and pair to Alexandria, from whence he sent home "Jupiter" with the horses, and completed his journey by the public mail-coach. He reached Philadelphia on the 2d day of March.<sup>1</sup> In spite of his efforts to avoid a ceremonious reception, a body of military were on the lookout, and when he was discovered made the welkin ring with salvos of artillery. while they bore a banner inscribed with the already familiar words, "JEFFERSON, THE FRIEND OF THE PEOPLE."

He immediately called on the President elect at his lodgings at Francis's in Fourth street. The next morning Mr. Adams returned the call, and Jefferson thus gives some important particulars of the interview :

"He found me alone in my room, and, shutting the door himself, he said he was glad to find me alone, for that he wished a free conversation with me. He entered immediately on an explanation of the situation of our affairs with France, and the danger of rupture with that nation, a rupture which would convulse the attachments of this country; that he was impressed with the necessity of an immediate mission to the Directory; that it would have been the first wish of his heart to have got me to go there, but that he supposed it was out of the question, as it did not seem justifiable for him to send away the person destined to take his place in case of accident to himself, nor decent to remove from competition one who was a rival in the public favor. That he had, therefore, concluded to send a mission, which, by its dignity, should satisfy France, and by its selection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he had determined to join Gerry and Madison to Pinckney, and he wished me to consult Mr. Madison for him. I told him that as to myself, I concurred in the opinion of the impropriety of my leaving the post assigned me, and that my inclinations, moreover, would never permit me to cross the Atlantic again; that I would, as he desired, consult Mr. Madison, but I feared it was desperate, as he had refused that mission on my leaving it, in General Washington's time, though it was kept open a twelvemonth for him. He said that if Mr. Madison should refuse, he would still appoint him, and leave the responsibility on him. I consulted Mr. Madison, who declined, as I expected."

Mr. Adams, in a publication made in the Boston Patriot, in 1809, presents a rather different account of this conversation, but the discrepancy involves no material fact. He says, the

<sup>1</sup> Perhaps those who now fly over the same route (barring accidents!) in hours instead of days, would like to see a time and fare-table of 1797, between Alexandria (the city of Washington did not then exist) and Philadelphia. Mr. Jefferson's pocket account-book shows that he left Alexandria after dinner, February 23d, and reached Baltimore on the 26th—the fare \$4 75. From thence he reached Philadelphia, March 2d—fare \$7 00. (The last fare is more commonly entered on other occasions at \$8 00.) Whole amount of travelling expenses from home—including \$12 00 to send home Jupiter and the horses—\$49 03. This is about the average expense of each trip during his Vice-Presidency.

morning after his inauguration,<sup>1</sup> Fisher Ames called upon him, and after advising a new mission to France, pressed upon him the selection of Mr. George Cabot from the northern States, if a commission was sent, or alone, if but one was to go. Mr. Adams "had rolled all these things in his own mind long before." He had thought of joining Madison and Hamilton in a commission with Pinckney. He had thought of Ames, Cabot, Dana, Gerry and many others. "He had thought much of Mr. Jefferson, but had great doubts whether the Constitution would allow him to send the Vice-President abroad." He had doubts about reappointing Pinckney, fearing that among the horrors he had seen and heard in France, he might have uttered things which would ensure his second rejection; but he could not bear the thought of abandoning him. He had "long wished to avail himself and the public of the fine talents and amiable qualities and manners of Mr. Madison," and as soon as Ames left him "he sought and obtained an interview with Mr. Jefferson." The narrative then proceeds as given in the foregoing chapter (p. 324), commencing with the words, "With this gentleman I had lived on terms of intimate friendship for five and twenty years," etc.

The oath of office as Vice-President and President of the Senate was administered to Mr. Jefferson by William Bingham, President *pro tempore* of that body, on the morning of Saturday, March 4th, and Mr. Jefferson thereupon delivered the following speech:

#### GENTLEMEN OF THE SENATE:

Entering on the duties of the office to which I am called, I feel it incumbent on me to apologize to this honorable house, for the insufficient manner in which I fear they may be discharged. At an earlier period of my life, and through some considerable portion of it, I have been a member of legislative bodies; and not altogether inattentive to the forms of their proceedings. But much time has elapsed; since that, other duties have occupied my mind; in a great degree it has lost its familiarity with this subject. I fear that the House will have but too frequent occasion to perceive the truth of this acknowledgment. If a diligent attention, however, will enable me to fulfill the functions now assigned me, I may promise that diligence and attention shall be sedulously employed. For one portion of my

<sup>1</sup> He corrected this error of time, however, in a letter to Gerry, April 6, 1797. (See his Works, vol. viii. p. 538.) The interview took place the day before the inauguration.

<sup>2</sup> A paper of the times lying before us, says it was extempore. We doubt whether Mr. Jefferson would have trusted himself, on so important an occasion, in an extempore speech.

duty I will engage with more confidence because it will depend on my will, not on my capacity.

The rules which are to govern the proceedings of this House, so far as they shall depend on me for their application, shall be applied with the most rigorous and inflexible impartiality, regarding neither persons, their views, nor principles, and seeing only the abstract proposition subject to my decision. If, in forming that opinion, I concur with some, and differ from others, as must of necessity happen, I shall rely on the liberality and candor of those from whom I differ, to believe that I do it on pure motives. I might here proceed, and with the greatest truth, to declare my zealous attachment to the Constitution of the United States, that I consider the union of these States as the first of blessings, and as the first of duties, the preservation of that Constitution which secures it; but I suppose these declarations not pertinent to the occasion of entering into an office whose primary business is merely to preside over the forms of this House; and no one more sincerely prays, that no accident may call me to the higher and more important functions which the Constitution eventually devolves on this office. These have been justly confided to the eminent character which has preceded me here, whose talents and integrity have been known and revered by me through a long course of years, and have been the foundation of a cordial and uninterrupted friendship between us; and I devoutly pray he may be long preserved for the Government, the happiness, and prosperity of our common country.

The Vice-President then conducted the Senate to the House of Representatives. He and the Secretary took their seats on the right of the Speaker's chair, the Speaker and the Clerk of the late House of Representatives on the left, and Chief Justice Ellsworth, with Justices Cushing, Wilson and Iredell, at a table below and in front. The doors being thrown open, the hall was at once filled to overflowing. When the late President entered and advanced across the floor, loud applause was heard from all parts of the assembly, and this was renewed when President Adams appeared, accompanied by the Heads of Departments and other officers.

Mr. Adams rose and delivered his inaugural speech. In this elaborate production, he, like the Vice-President, eulogized the Constitution, and declared that when he first saw it in a foreign country he approved of it as "better adapted to the genius, character, situation and relations of this nation and country than any which had ever been proposed or suggested"—that "it was not then, nor had been since, any objection to it in his mind, that the Executive and Senate were not more permanent"—that he never had a thought of "promoting any alteration in it but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient." He asked.

"What other form of government could so well deserve our esteem and love?"—what, that was "essential, any more than mere ornament and decoration, could be added to this by robes and diamonds?"—or whether "authority could be more amiable and respectable when it descends from accidents or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people?" He paid a warm tribute to the public services of his predecessor. He declared himself in favor of peace and a rigid neutrality between the belligerent powers of Europe, and expressed his "personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship which had been so much for the honor and interest of both nations."

This was the speech which Hamilton and his followers lamented as "temporizing," and as having "the air of a lure for the favor of his opponents at the expense of his sincerity." Happy John Adams obtained a very different impression of the effect of his eloquence on this interesting occasion. He wrote his wife there was "scarcely a dry eye but Washington's"—that "all agreed that, taken together, it was the sublimest thing ever exhibited in America."<sup>1</sup>

When the President had concluded his address, the Chief Justice read the oaths of office in loud, firm tones, and Mr. Adams repeated them with equal emphasis. He then took his seat, but soon rose, bowed to the assembly, and left the hall. The Vice-President rose to leave, but sought to give General Washington precedence. The latter, however, persisted in declining it, and followed; and as they passed out, shout on shout broke from the assembled multitude.

Mr. Jefferson gives the following sequel to his interview of the 3d of March with the President:

"I think it was on Monday the 6th of March, Mr. Adams and myself met at dinner at General Washington's, and we happened, in the evening, to rise from table and come away together. As soon as we got into the street, I told him the event of my negotiation with Mr. Madison. He immediately said, that, on consultation, some objections to that nomination had been raised which he had not contemplated; and was going on with excuses which evidently embarrassed him, when we came to Fifth street, where our road separated, his being down Market street, mine

<sup>1</sup> Life of John Adams, p. 506.

off along Fifth, and we took leave: and he never after that said one word to me on the subject, or ever consulted me as to any measures of the Government. The opinion I formed at the time on this transaction, was, that Mr. Adams, in the first moments of the enthusiasm of the occasion (his inauguration), forgot party sentiments, and as he never acted on any system, but was always governed by the feeling of the moment, he thought, for a moment, to steer impartially between the parties; that Monday, the 6th of March, being the first time he had met his Cabinet, on expressing ideas of this kind, he had been at once diverted from them, and returned to his former party views."<sup>1</sup>

Mr. Adams gives substantially the same explanation of his dropping Madison. He says, the Cabinet offered to resign on his proposing him for the mission; that "he found party passions had so deep and extensive roots, that he seriously doubted whether the Senate would not negative Mr. Madison if he should name him," etc.<sup>2</sup>

The Vice-President left Philadelphia, March 12, met his "chair" or sulkly at Fredericksburg on the 18th, and reached home on the 20th.

Both of Mr. Jefferson's daughters were absent at an estate of Colonel Randolph. He wrote to the elder:

TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

MONTICELLO, March 27th, '97.

I arrived in good health at home this day sennight. The mountain had then been in bloom ten days. I find that the natural productions of the spring are about a fortnight earlier here than at Fredericksburg; but where art and attention can do anything, some one in a large collection of inhabitants, as in a town, will be before ordinary individuals, whether of town or country. I have heard of you but once since I left home, and am impatient to know that you are all well. I have, however, so much confidence in the dose of health with which Monticello charges you in summer and autumn, that I count on its carrying you well through the winter. The difference between the health enjoyed at Varina and Presqu'isle<sup>3</sup> is merely the effect of this. Therefore do not ascribe it to Varina and stay there too long. The bloom of Monticello is chilled by my solitude. It makes me wish the more that yourself and sister were here to enjoy it. I value the enjoyments of this life only in proportion as you participate them with me. All other attachments are weakening, and I approach the state of mind when nothing will hold me here but my love for yourself and sister, and the tender connections you have added to me. I hope you will write to me: as nothing is so pleasing during your absence as these proofs of your love. Be assured, my dear daughter, that you possess mine in its utmost limits. Kiss the dear little ones for me. I wish we had one of them here. Adieu affectionately.

TH. JEFFERSON.

<sup>1</sup> *Annals*, Randolph's edition, vol. iv. p. 502; Congress edition, vol. ix. p. 186.

<sup>2</sup> *Adams's Works*, vol. ix. p. 286.

<sup>3</sup> A previous residence of Mr. and Mrs. Randolph, but also within the sickly region.

TO THE SAME.

(Extract.)

MONTICELLO, April 9th, '97.

My love to Maria. Tell her I have made a new law; which is, only to answer letters. It would have been her turn to have received a letter had she not lost it by not writing. Adieu most affectionately, both of you.

To explain circumstances already stated, as well as to give a proper insight into future ones of prime importance in their bearing on the history of our public men and parties during Mr. Adams's administration, it is necessary that we take a rapid glance of our French relations from the point where we left them soon after the ratification of the Treaty of London.

When the news of ratification reached France it produced angry dissatisfaction. That country claimed that it had been treated with as much duplicity as injustice. It claimed that, at Philadelphia as well as Paris, the strongest assurances had been given to its representatives, during the negotiation of Jay's treaty, that it would only embrace a redress of grievances. It now complained that our conduct evinced a settled adhesion to England, and a settled hostility to France, on the part of the dominant party in America.

The French Directory, however, hesitated on decided steps, believing, it would seem (a point that had been strongly insisted on by Genet and Fauchet), that the state of affairs was not due to the national sentiment,<sup>1</sup> but to the hostility of the Administration, and that a new election would be likely to produce a change in the latter particular.

Monroe's course in France, as we have already seen, drew pointed censures from our Cabinet. And his failure to make the Treaty of London acceptable to that nation, appears to have

<sup>1</sup> See Fauchet's "Sketch of the present state of our Political Relations with the United States," etc., 1797.

<sup>2</sup> See Thiers's *Histoire de la Révolution Française*, tome ix. chap. 1. He attributes the peaceable attitude of the Directory to Monroe's representations.

The applause the President and Cabinet received in England for their conduct between the two countries, tended doubtless to increase French prejudices. Mr. King (who had been appointed to fill Pinckney's place as our Minister to England) wrote Hamilton from London, February 6th, 1797:

"Nothing can exceed the applause that is here given to our Government, and no American who has not been in England, can have a just idea of the admiration expressed among all parties of General Washington. It is a common observation, that he is not only the most illustrious, but also the most meritorious character that has hitherto appeared. The king is, without doubt, a very popular character among the people of this nation. It would be saying very much to affirm that next to him General Washington is the most popular character among them; and yet, I verily believe this to be the fact."—*Hamilton's Works*, vol. vi. p. 207.



been attributed to remissness or want of zeal. The President wished, therefore, to send an extraordinary minister for that particular purpose; but it being suggested that he could only fill vacancies during a recess of the Senate, he recalled Colonel Monroe,<sup>1</sup> and appointed Charles Cotesworth Pinckney of South Carolina in his place. Monroe's recall was dated August 22d, and his successor embarked for France early in September.

The latter was really a very unobjectionable selection, if a change was to be made; but General Pinckney's character and position, unfortunately, were not properly understood at home or abroad. He had refused to unite in the anti-treaty demonstration at Charleston. He was understood to be a Federalist, and his selection under the present circumstances was construed by those who erroneously imputed the same motives to the President which influenced his advisers, as proof that the new minister was a bigoted Federalist, and consequently violently hostile to France.

These impressions received great augmentation from the recent selection of Mr. Rufus King as the successor of Mr. Thomas Pinckney at the Court of London. Mr. King was an able and experienced man, and was believed to be an ardent sympathizer with England and admirer of its Government, and in all respects one of the foremost of the ultra-Federal school of American politicians.<sup>2</sup>

<sup>1</sup> On this subject see Marshall's *Washington*, vol. ii. p. 393.

The President consulted his Cabinet on the subject of the recall, June 24th. On the 2d of July, those present (Pickering, Wolcott and McHenry) unanimously advised Monroe's recall; and Lee subsequently united in this. They distinctly advised the measure on political grounds. After assigning the reason we have given in the text (and which Judge Marshall gives as the reason), they proceed to communicate a private letter from Monroe to some person in Philadelphia (which they had "received in confidence"), and they add: "This letter corresponds with other intelligence of his political opinions and conduct. A minister who has thus made the notorious enemies of the whole system of government his confidential correspondents, in matters which affect that government, cannot be relied on to do his duty to the latter," etc. We wish we had a copy of Monroe's confidential letter. We are inclined to think its contents were less material than the fact that it talked on political subjects to a member of the Republican party, and probably exhibited the writer's well known sympathy with that party. We infer this, because the point is thus made by the Cabinet, and no outcry raised over the particular declarations contained in the letter.

We have not mentioned this in the text among the reasons which influenced the President, because we do not believe it did. He appointed Monroe to this mission when the latter was notoriously the Republican leader in the United States Senate, and when he had gone and voted as far against measures of the Administration, as any member of that body. Nay, he had obviously appointed him as a Republican, when he was seeking to maintain a balance of parties. He would have been the last man to seek to muzzle private expressions of political views. He would have been the last man to expect that all the diplomatic commissions in the world would for a moment operate as such a muzzle on James Monroe.

<sup>2</sup> King (then in the Senate) desired this appointment, and wished Hamilton and Jay to "communicate with the Executive" on the subject, if they "agreed in the propriety

Consequently, the French Government took violent offence at the recall of Monroe, alleging that it resulted solely from his friendly dispositions towards their country. The Directory determined by an "executive act" to "take advantage of the second article of the Treaty [between the United States and France] of 1778, which guaranteed to them all the advantages of navigation and commerce which might be granted to other powers, and place, by means of this article, the [French] Republic upon the same footing as England." In July, this system was commenced by ordering French cruisers to treat neutrals as those neutrals permitted the English to treat them. In October, an *arrêt* was issued, directing the seizure of British property on board of American vessels and of provisions bound to England.

Thus another great European power joined in hunting our commerce from the ocean—in placing our national honor, rights and property at the mercy of every rash and embittered person clad in the "brief authority" of an officer of a national vessel, or even the mercenary adventurer who commanded a privateer—leaving us an appeal only to courts of admiralty, by whom law or justice were scarcely more regarded. The Admiralty Courts of both England and France, established in the West Indies, were shameful burlesques on legal tribunals, in which tools without professional or personal character adjudicated only to give quasi-legal sanction to outrage. It needed but that France should also practically enter upon the reprisals she

and utility of the measure." (King to Hamilton, May 2d, 1796. See Hamilton's Works, vol. vi. p. 113.)

Hamilton addressed the President on the subject, and Washington replied, May 15th, 1796.

"With respect to the gentleman you have mentioned as successor to Mr. P——, there can be no doubt of his abilities, *nor in my mind* [preceding words italicized in original] is there any of his fitness. But you know as well as I what has been said of his political sentiments with respect to another form of government, and from thence can be at no loss to guess at the interpretation which would be given to the nomination of him. However, the subject shall have due consideration; but a previous resignation would, in my opinion, carry with it too much the appearance of concert, and would have a bad rather than a good effect." (This letter does not appear, we believe, in Mr. Sparks's edition of Washington's Works. It will be found in Hamilton's Works, vol. vi. pp. 120–122.

Hamilton replied, May 20th, 1796:

"I observe what you say on the subject of a certain diplomatic mission. Permit me to offer with frankness the reflections which have struck my mind. The importance of our security, and commerce, and good understanding with Great Britain, renders it very important that a man *able* and not *disagreeable* [preceding words italicized in original] to that Government, should be there. The gentleman in question, equally with any who could go, and better than any willing to go, answers this description. The idea hinted at in your letter will apply to every man fit for the mission, by his conspicuousness, talents and dispositions," etc.—*Hamilton's Works*, vol. vi. p. 125.

The reader will judge for himself whether the "idea hinted at" was merely that Mr. King was a member of the Federal party.

threatened in the matter of impressments, to fill the cup of our misfortune and humiliation to the full.

Meanwhile, the communications of the American Secretary of State to the French Minister in the United States, in the unpleasant discussions which arose between them, were not only arrogant and untenable in some of their positions (essentially differing from any ever assumed towards England), but they manifested a heat and captiousness in their style which called out even the repeated censures and warnings of Hamilton. His letters to Washington and others on this subject were very frequent during the month of November, 1796, and we find them on still later occasions.<sup>1</sup>

Hamilton appears to great advantage at this period. His correspondence shows that he labored earnestly to moderate the fury of his partisans in the Cabinet, and to avoid a rupture with France. As plainly as Mr. Adams he saw the propriety and expediency, in case of the establishment of an extraordinary commission to the latter country, to include in it some conspicuous person who would be acceptable to the French Government. He urged such a commission, and proposed Jefferson or Madison as one of the members. But although his opinions almost took the form of a ukase,<sup>2</sup> and although he significantly intimated that the "actual Administration" was accused of endeavoring to provoke a war with France,<sup>3</sup> he failed for once to command obedience. Wolcott wrote him that he was sensible that if he insisted on a commission "so the thing must be and would be," but he did not acquiesce in its proposed composition, and Pickering would not assent even to the commission.<sup>4</sup>

General Knox, (now thinking and acting separately from Hamilton), Gerry and others pressed views similar to Hamilton's on Mr. Adams.<sup>5</sup>

It would be expected that the leaders of the Republican party would view the proceedings of the Cabinet with still less favor. Jefferson rarely mentions them in his contemporary correspondence; but in a letter to Dr. Edwards, January 22d, 1797, he declares, with visible irritation, that Monroe was

<sup>1</sup> See Hamilton's Works, vol. vi. pp. 162, 163, 168, 177, 194; and to Wolcott in *ib.* pp. 167, 180.

<sup>2</sup> See his letter to Pickering, March 22d, 1797. (Works, vol. vi. p. 213.)

<sup>3</sup> *Ib.* pp. 217, 219.

<sup>4</sup> *Ib.* pp. 214, 223, 224.

<sup>5</sup> For Knox's letter see Adams's Works, vol. viii. p. 533; for Gerry's, see *ib.* p. 532.

appointed to get him out of the Senate and then seize a pretext for removing him, and that "it will never be easy to convince him that by a firm yet just conduct in 1793, we might not have obtained such a respect for our neutral rights from Great Britain as that her violations of them, and use of our means to all her wars, would not have furnished any pretence to the other party to do the same."

The result of the Presidential election snapped the last bond of confidence between France and the United States. Mr. Adams's hostility to that country was notorious there and at home, but the French did not understand that he was equally or but little less hostile to England.

He had written to his wife pending the election:

"At Hartford I saw Mr. Adet's note to our Secretary of State, and I find it an instrument well calculated to reconcile me to private life. It will purify me of all envy of Mr. Jefferson, or Mr. Pinckney, or Mr. Burr, or Mr. anybody else who may be chosen President or Vice-President. Although, however, I think the moment a dangerous one, I am not scared. Fear takes no hold of me, and makes no approaches to me that I perceive; and if my country makes just claims on me, I will be, as I have ever been, prompt to share fates and fortunes with her. I dread not a war with France or England, if either forces it upon us, but will make no aggression upon either with my free will, without just and necessary cause and provocation."—"Nothing mortifies me more than to think how the English will be gratified at this French flight.<sup>1</sup> John Bull will exult and shrug his shoulders like a Frenchman, and, I fear, show us some cunning, insidious sort of kindness on the occasion. I should dread his kindness as much as French severity, but will be the dupe of neither. If I have looked with any accuracy into the hearts of my fellow-citizens, the French will find, as the English have found, that feelings may be stirred which they never expected to find there, and which perhaps the American people themselves are not sensible are within them."

Mr. Adams entered the Presidency in the predicament of a commander who should first set his foot on his vessel when the *rising gale* was howling through its rigging, and the full might of the tempest was about to burst on it. He unquestionably *came* into power with pacific and proper dispositions towards France. But, to recur to our former simile, the ship had already been prepared for the storm by her crew, and the same officers who had directed the preparations now stood at their posts. If he retained these officers, the "actual Government," as Hamilton called it—that is, the majority of the Cabinet—would be

The retirement of the French Minister from the United States.

averse to any change. It was a critical moment to supersede them. Unfortunately, the country was prepared to regard it as an act of inexcusable violence. They tested his determination the first moment by offering to resign on his naming (exactly what Hamilton had proposed) Madison as a member of a new French commission. Mr. Adams succumbed, and his political fate was sealed.

He was a man of vastly greater ability than any member of his Cabinet—it would not be exaggeration to say that he possessed more than their collective ability. His knowledge of governments, of foreign affairs, his sagacity in statesmanship, his breadth of view on all great questions, were proportionably superior. He was an independent man, and brave to the point of furious pugnacity when excited. But he had weaknesses which placed him at the mercy of the inferior men about him.

Mr. Pickering afterwards sat for a most felicitous picture to Mr. Adams's own pen :

"He is, for anything I know, a good son, husband, father, grandfather, brother, uncle, and cousin. But he is a man in a mask, sometimes of silk, sometimes of iron, and sometimes of brass, and he can change them very suddenly and with some dexterity." "He is extremely susceptible of violent and inveterate prejudices, and yet, such are the contradictions to be found in human character, he is capable of very sudden and violent transitions from one extreme to an opposite. Under the simple appearance of a bald head and straight hair, and under professions of profound republicanism, he conceals an ardent ambition, envious of every superior, and impatient of obscurity. He makes me think of a coal-pit, covered with red earth, glowing within, but unable to conceal the internal heat for the interstices which let out the smoke, and now and then a flash of flame."

Mr. Wolcott, with the political principles of his father, had none of his father's boldness and frankness of character. He was a capable man generally, and was acute and able in the details of business. But his views were never comprehensive. As inflexible as Pickering, he rarely displayed open resistance, but smiled and plotted, and when he fired, fired from an ambush. He was a close judge of the lower motives of men, took advantage of them with suppleness and dexterity, never openly assumed any but a plausible position, never lacked a sanctimonious profession. We shall have abundant occasion to see, before leaving the history of his official connection with Mr

Adams, that his craft knew no scruples, his willingness to subserve his interests and feelings at the expense of honor, no limit. Yet, like Pickering, he was exemplary in his domestic relations, was an agreeable companion, was not a bad friend in the mere social import of the term (that is, he had personal partialities, like other men, and did not abandon them without a motive), and among superficial acquaintances might have passed for an excellent character.

McHenry, the Secretary of War, had been taken as a makeshift. He was a cultivated but weak man. His instincts and feelings were those of a gentleman, and he was disposed to be high-minded in his conduct; but he had neither understanding nor force to play any independent part, hemmed in between the obstinacy of Pickering and the craft of Wolcott.

Of Lee, the Attorney-General, we know very little, as we fail to find him rising above the tenor of official routine, or making any mark on his times. Some hints would lead us to conjecture he was not admitted to the secrets of that reigning majority of colleagues already named—that he did not belong to the Hamilton clique in the Cabinet. We nowhere find him implicated in their official treachery and dishonor.

Benjamin Stoddert of Maryland, the first Acting-Secretary of the Navy, did not take his place until May, 1798. Like Lee, he seems to have been rather an outsider with the majority. He was faithful and true to Mr. Adams, was evidently a man of principle, and discharged his official duties noiselessly and to the general acceptance.

The Hamiltonian majority of the Cabinet were not ill calculated to bend such a man as Mr. Adams to their designs. Pickering's irascible and pugnacious self-will presented that constant issue which no man likes to accept—a quarrel with a powerful wing of his party. Wolcott could dexterously play upon the President's vanity, and lead him on false scents. McHenry could give some weight to his opinions by his appearance of being controlled by gentlemanly considerations and motives, and what was far more to the point, he could give the third vote.

Mr. Adams entered office with something of the meekness of the newly accepted lover—delighted with his good luck and propitiated by success. But his hot, imperious temper never

long condescended to play a part implying dependence on anybody or thing but himself. His vanity lying as exposed as uncovered powder-trains to a great magazine, never long escaped ignition when he was in a position to fancy a rivalry. He had those about him who well knew how to produce and give direction to the explosion. To incense him with France and with Jefferson were two primary objects. Both the "birds were" ingeniously "killed by the same stone." He thus wrote General Knox, March 30th, 1797, in regard to the intimate friend of five and twenty years, whom he had acted with "in dangerous times and arduous conflicts," and just parted from "as good friends as they had always lived :"<sup>1</sup>

"It is a delicate thing for one to speak of the late election. To myself, personally, 'my election' might be a matter of indifference, or rather of aversion. Had Mr. Jay, or some others, been in question, it might have less mortified my vanity, and infinitely less alarmed my apprehensions for the public. But to see such a character as Jefferson, and much more such an unknown being as Pinckney, brought over my head, and trampling on the bellies of hundreds of other men infinitely his superiors in talents, services and reputation, filled me with apprehensions for the safety of us all. It demonstrated to me that, if the project succeeded, our Constitution could not have lasted four years. We should have been set afloat, and landed, the Lord knows where. That must be a sordid people, indeed—a people destitute of a sense of honor, equity, and character, that could submit to be governed, and see hundreds of its most meritorious public men governed by a Pinckney, under an elective government. Hereditary government, when it imposes young, new, inexperienced men on the public, has its compensations and equivalent, but elective government has none. I mean this in no disrespect to Mr. Pinckney. I believe him to be a worthy man, I speak only by comparison with others.

\* \* \* \* \*

"Your project<sup>2</sup> has been long ago considered and determined on. Mr. Jefferson would not go. \* \* \* \* \*

"If we wish not to be degraded in the eyes of foreigners, we must not degrade ourselves. What would have been thought in Europe, if the King of France had sent Monsieur, his eldest brother, as an envoy? What of the King of England, if he had sent the Prince of Wales? Mr. Jefferson is, in essence, in the same situation. He is the first Prince of the country, and the heir apparent to the sovereign authority, *quoad hoc*. His consideration in France is nothing. They consider nobody but themselves. Their apparent respect and real contempt for all men and all nations but Frenchmen, are proverbial among themselves. They think: it is in their power to give characters and destroy characters as they please, and they have no other rule but to give reputation to their tools, and to destroy the reputation of all who will not be their tools. Their efforts to '*populariser*' Jefferson, and to '*dépopulariser*' Washington are all upon this principle. To a French-

<sup>1</sup> See ante, p. 325.

<sup>2</sup> Knox had recommended that Jefferson be sent as one of a commission to France.

man, the most important man in the world is himself, and the most important nation is France. He thinks that France ought to govern all nations, and that he ought to govern France. Every man and nation that agrees to this, he is willing to 'populariser'; every man that disputes and doubts it, he will 'dipopulariser' if he can."<sup>1</sup>

On the 6th of April he wrote to Mr. Gerry:

"The proposal of appointing the Vice-President to go as envoy extraordinary to Paris has arrived from so many quarters, that I presume the thought is a natural one. I will tell you a secret, but I wish you to keep it a secret in your breast. I was so impressed with the idea myself, that on the 3d of March I had a conversation with Mr. Jefferson, in which I proposed it to him, and frankly declared to him that if he would accept it, I would nominate him the next day, as soon as I should be qualified to do it. He as frankly refused, as I expected he would.<sup>2</sup> Indeed I made a great stretch in proposing it, to accommodate to the feelings, views, and prejudices of a party.<sup>3</sup> I would not do it again, because, upon more mature reflection, I am decidedly convinced of the impropriety of it. The reasons you give are unanswerable, but there are others."

Mr. Adams proceeds to give those reasons, and we have an amusing flight of the possessor of "the sovereign authority *quoad hoc*:"

"It would be a degradation of our Government in the eyes of our own people, as well as of all Europe. The Vice President, in our Constitution, is too high a personage to be sent on diplomatic errands, even in the character of an ambassador.

"We cannot work miracles. We cannot make other nations respect our nation or its Government, if we place before their eyes the persons answering to the first princes of the Government, in the low and subordinate character of a foreign minister. It must be a pitiful country indeed, in which the second man in the nation will accept of a place upon a footing with the *corps diplomatique*, especially envoy such a one, ambassador such a one, or plenipotentiary such a one. The nation must hold itself very cheap, that can choose a man one day to hold its second office, and the next send him to Europe, to dance attendance at levees and drawing-rooms, among the common major generals, simple bishops, earls and barons, but especially among the common trash of ambassadors, envoys and ministers plenipotentiary."<sup>4</sup>

The next day after the date of the President's letter to General Knox, Wolcott wrote Hamilton, as a secret known to "no one of the Heads of Departments except himself," that the President "had [once] determined on instituting a commission, but it would not have been composed as he [Hamilton] now

<sup>1</sup> Adams's Works, vol. viii. pp. 535-536.

<sup>2</sup> This contemporaneous statement of facts, as far as it goes, it will be seen, conforms much closer to Mr. Jefferson's than the one already quoted, made in 1809.

<sup>3</sup> If this accords with the second sentence back, it does not with the spirit of Mr. Adams's declarations made in 1809, quoted at p. 324.

<sup>4</sup> Adams's Works, vol. viii. p. 538.



proposed." Hamilton proposed a commission containing the name of one prominent Republican.<sup>1</sup> Wolcott persisted in opposing such a selection if the commission was determined on. The association of ideas here suggested need not be traced out.

Mr. Adams's head now touched the stars. A month had sufficed to inflate his vanity to madness. How absurd the idea that he—he the Olympian, the Dispenser—needed to be obtrusively told by so many of his friends that Jefferson's services were all important to steer the vessel safely through the tempest! On second thought, how mortifying was it to think that such men as Jefferson and Pinckney had been made to endanger his election among a sordid people, destitute of character and honor? What was Jefferson in France? And what was France itself, when it presumed to attempt to render Jefferson popular and John Adams' unpopular?

The President was in a mood to demonstrate the terrors of the "sovereign authority *quoad hoc*," and an occasion was not wanting. France, instead of either declaring her treaty with us dissolved or entering upon grave, pacific measures of diplomacy, had adopted a middle course, on a doubtful construction of a treaty clause—a course calculated highly to inflame existing irritations, by inflicting constant and enormous injustice. That we submitted to such outrages on our commerce from England did not render it expedient for her also to inflict them, unless she desired a total rupture. Wise statesmen must take things as they find them. If our Cabinet was hostile to France, France should have known that our people would always stand by its Government when the sword was drawn, or when the Executive called upon the people to resent a national affront. If France desired peace, it was not her policy to enter upon war measures. The idea of forcing us or intimidating us back to friendly alliance, under all the circumstances, was an

<sup>1</sup> Hamilton then proposed Madison, Pinckney and Cabot. (See Hamilton's Works, vol. vi. p. 218—note.) We understand Wolcott as meaning to say that Adams "had" once, or "had" heretofore "determined," etc.—without saying what his intentions were at the date of the letter. The last words, "but it would not have been composed," etc., italicized in the original, as particularly significant, we doubt not are intended to carry the idea, that no man of Mr. Madison's politics would have been in the commission. For Wolcott's letter entire, see Hamilton's Works, vol. vi. p. 221.

<sup>2</sup> He used Washington's instead of his own name, but had his personal sympathy for Washington been far keener than it ever showed itself, it would be very clear who he was really speaking for on this occasion.

idea worthy only of political novices or men too angry to listen to the dictates of sober reason.

But France did not stop with her edicts against our commerce. Dispatches reached the State department towards the close of March from General Pinckney. He had reached Paris on the 5th of December preceding. On the 9th, he and Mr. Monroe had an interview with De la Croix, the Minister of Foreign Affairs. On the 11th, the latter notified Monroe that the Directory had charged him to say "that it would no longer recognize nor receive a minister plenipotentiary from the United States, until after a reparation of the grievances demanded of the American Government, and which the French Republic had a right to expect." He declared, however, that this did "not oppose the continuance of the affection between the French Republic and the American people," etc. Monroe received a private audience for the delivery of his letters of recall on the 30th. His address on the occasion contained the usual language of friendly compliment. The President replied, expressing much respect and affection for the American people and for the departing Minister; but making a severe allusion to the "condescension of the American Government to the wishes of its ancient tyrants." Letters of hospitality, without which he could not remain legally in Paris, were refused to Pinckney, and on the 25th of January he was apprised that his stay rendered him amenable to the law. Having now secured this notification in writing, he immediately demanded his passports, and as soon as practicable departed for Holland.

On being apprised of these facts, President Adams immediately (March 25th) issued a proclamation convening a special session of Congress, on the 15th of May.

The President's speech at the opening of the special session was warlike. It recommended the creation of a navy, the fortification of harbors, the allowing merchant vessels to arm in their own defence, the reorganization of the militia, etc. It commented with great severity on the injuries inflicted by France on our commerce—on the refusal of that government to receive General Pinckney, and on the speech of the President of the Directory in the parting audience given to Colonel Monroe, which, it declared, "disclosed sentiments more alarming than the refusal of a minister," more dangerous and more "studiously marked

with indignities" towards our Government, because it evinced a disposition "to separate the people of the United States, from the Government—to persuade them that they had different affections, principles and interests from those of their fellow-citizens, whom they themselves had chosen to manage their common concerns, and thus to produce divisions fatal to our peace."

"Such attempts [continued the President] ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character and interest."<sup>1</sup>

On the 23d of May the Senate adopted an answer to the President's speech, responding to its sentiments, by a vote of seventeen to eleven. Several members were absent. The real strength of parties in that body was eighteen Federalists, ten Republicans, and two wavering. Two were absent.<sup>2</sup>

The answer of the House, drawn up in a violent strain,<sup>3</sup> encountered a more formidable opposition. An amendment presented by Nicholas, that an offer be made to place France on the same footing conceded to Great Britain by the late treaty in regard to contraband and enemy's goods, and expressing the hope that this offer might be satisfactory to France, was after a long and acrimonious debate, defeated by a vote of fifty-two to forty-eight. An amendment was moved (May 30th) by Dayton, the Speaker, to insert these words:

"We therefore receive with the utmost satisfaction your information that a fresh attempt at negotiation will be instituted, and we cherish the hope that a mutual spirit of conciliation, and a disposition on the part of the United States to

<sup>1</sup> Hamilton was among the first to become alarmed at the tone of the President's communications at this period. Speaking (June 5th) of one addressed to the Commander-in-Chief, he said:

"The sentiment [near the close] is intemperate and revolutionary. It is not for us, particularly for the Government, to breathe an irregular and violent spirit. There are limits which must not be passed; and from my knowledge of the ardor of the President's mind, and this specimen of the effects of that ardor, I begin to be apprehensive that he may run into indiscretion. This will do harm to the Government, to the cause and to himself. Some hint must be given, for we must make no mistakes."—*Hamilton to Wolcott. Works*, vol. vi. p. 251.

<sup>2</sup> Schuyler, of New York, and Gunn, of Georgia.

<sup>3</sup> Hamilton was disgusted with its violence. He wrote Wolcott, June 6th:

"I confess I have not been well satisfied by the answer reported in the House. It contains too many hard expressions; and hard words are very rarely useful in public proceedings. Mr. Jay and other friends here have been struck in the same manner with myself. We shall not regret to see the answer softened down. Real firmness is good for everything. Strut is good for nothing."—*Hamilton's Works*, vol. vi. p. 253; see also his letter of same date to King.

place France on grounds as favorable as other countries in their relation and connection with us, will produce an accommodation compatible with the engagements, rights, duties, and honor of our nation."

The amendment prevailed in Committee of the Whole by a vote of fifty-two to forty-seven, but before passing the House was amended by inserting after the words "on the part of," the words "France to compensate for any injuries which may have been committed on our neutral rights," and making some other changes of language. The final vote on the amended amendment was fifty-eight to forty-one. The address was then adopted by a vote of sixty-two to thirty-six.

Congress, thereupon, commenced legislation in the spirit of these addresses, and war measures of various kinds were put on their passage; but fortunately, before anything decisive was perfected, intelligence was received calculated to cool the ardor of the war party.

The tremendous recent victories of Bonaparte and the other generals of France, which had overwhelmed some ancient dynasties and forced others to sue for peace—their slaughter, in a single campaign, of probably twice as many hostile regular troops fighting with devoted bravery in the field, as the United States had ever been able to marshal at one time, in a war for their existence—events, seemingly fabulous in their grandeur, in the annals of the military art, swiftly following each other like the gorgeous illusions of a dream—the lion of St. Mark forced to "lick the dust" by one stroke of the terrible avenger<sup>1</sup>—Austria, quailing before the suspended wrath which was soon to "shatter her like a potsherd,"<sup>2</sup> and entering upon the provisional treaty of Leoben,<sup>3</sup> which was soon to ripen into the dictated definitive one of Campo-Formio—England proposing very modest terms of peace to the French Republic<sup>4</sup>—the formidable mutiny in the English fleet—the Irish insurrection—the suspension of specie payment by the Bank of England threatening to derange all the sinews of a future struggle—were indications to

<sup>1</sup> See Bonaparte's answer to the D<sup>o</sup>ge and Senate.

<sup>2</sup> See Bonaparte's declaration to Cobentzel.

<sup>3</sup> April 18, 1797.

<sup>4</sup> Lord Malmesbury, at the negotiation of Lisle, offered to surrender all the distant conquests England had made from France and her allies, on condition of the cession of Trinidad by Spain, and the Cape of Good Hope, Cochin and Ceylon by Holland, and some minor concessions to the Prince of Orange in the Netherlands. Malmesbury was ordered out of the territories of the Republic.

which no dullness of observation, no narrow partisan fury could be insensible.

Some very moderate measures finally passed Congress, and Jefferson intimates, that even so much would not have been done to carry out the policy proclaimed at the opening of the session, had not the Federalists gone too far wholly to retract. He wrote to Edward Rutledge June 24th:

"They went on with frigates and fortifications, because they were going on with them before. They directed eighty thousand of their militia to hold themselves in readiness for service. But they rejected the proposition to raise cavalry, artillery, and a provisional army, and to trust private ships with arms in the present combustible state of things."

Jefferson had originally disapproved of the call for an extra session, declaring "everything pacific could have been done without Congress, and [that] he hoped nothing was contemplated which was not pacific"<sup>1</sup> After reaching the capital, but before the opening of the session, he wrote a long letter to Gerry, from which the following are extracts:

"I entirely commend your dispositions towards Mr. Adams; knowing his worth as intimately, and esteeming it as much as any one, and acknowledging the preference of his claims, if any I could have had, to the high office conferred on him. But in truth, I had neither claims nor wishes on the subject, though I know it will be difficult to obtain belief of this."

After declaring how firmly he had determined on permanent retirement; that he "never in his life exchanged a word with any person on the subject" of being a candidate for the Presidency "till he found his name brought forward generally;" that he ultimately met the public call on him with reluctance, and then with the hope "that the very thing might happen which had happened;" that he considered the second office easy and honorable, and the first "but a splendid misery," he added:

"You express apprehensions that stratagems will be used to produce a misunderstanding between the President and myself. Though not a word having this tendency has ever been hazarded to me by any one, yet I consider as a certainty that nothing will be left untried to alienate him from me. These machinations will proceed from the Hamiltonians by whom he is surrounded, and who are only a little less hostile to him than to me. It cannot but damp the pleasure of cordiality, when we suspect that it is suspected. I cannot help thinking that it is impossible for Mr.

<sup>1</sup> To Peregrine Fitzhugh, April 9th.

Adams to believe that the state of my mind is what it really is; that he may think I view him as an obstacle in my way. I have no supernatural power to impress truth on the mind of another, nor he any to discover that the estimate which he may form, on a just view of the human mind as generally constituted, may not be just in its application to a special constitution. This may be a source of private uneasiness to us; I honestly confess that it is so to me at this time. But neither of us is capable of letting it have effect on our public duties. Those who may endeavor to separate us, are probably excited by the fear that I might have influence on the executive councils; but when they shall know that I consider my office as constitutionally confined to legislative functions, and that I could not take any part whatever in executive consultations, even were it proposed, their fears may perhaps subside, and their object be found not worth a machination."

His views of the proper policy to be pursued at this juncture, and on the posture and designs of parties, are too important and earnestly expressed to be passed over:

"I do sincerely wish, with you, that we could take our stand on a ground perfectly neutral and independent towards all nations. It has been my constant object through my public life, and with respect to the English and French, particularly, I have too often expressed to the former my wishes, and made to them propositions verbally and in writing, officially and privately, to official and private characters, for them to doubt of my views, if they would be content with equality. Of this they are in possession of several written and formal proofs, in my own handwriting. But they have wished a monopoly of commerce and influence with us; and they have in fact obtained it. When we take notice that theirs is the workshop to which we go for all we want; that with them centre either immediately or ultimately, all the labors of our hands and lands; that to them belongs, either openly or secretly, the great mass of our navigation; that even the factorage of their affairs here is kept to themselves by factitious citizenships; that these foreign and false citizens now constitute the great body of what are called our merchants, fill our seaports, are planted in every little town and district of the interior country, sway everything in the former places by their own votes, and those of their dependents in the latter, by their insinuations and the influence of their ledgers; that they are advancing fast to a monopoly of our banks and public funds, and thereby placing our public finances under their control; that they have in their alliance the most influential characters in and out of office; when they have shown that by all these bearings on the different branches of the government, they can force it to proceed in whatever direction they dictate, and bend the interests of this country entirely to the will of another; when all this, I say, is attended to, it is impossible for us to say we stand on independent ground, impossible for a free mind not to see and to groan under the bondage in which it is bound. If anything after this could excite surprise, it would be that they have been able so far to throw dust in the eyes of our own citizens, as to fix on those who wish merely to recover self-government the charge of subserving one foreign influence, because they resist submission to another. But they possess our printing presses, a powerful engine in their government of us. At this very moment, they would have drawn us into a war on the side of England, had it not been for the failure of her bank. Such was their open and loud cry, and that of their gazettes, till this event. After plunging us in all the broils of the European

nations, there would remain but one act to close our tragedy, that is, to break up our Union; and even this they have ventured seriously and solemnly to propose and maintain by arguments in a Connecticut paper. I have been happy, however, in believing, from the stifling of this effort, that that dose was found too strong, and excited as much repugnance there as it did horror in other parts of our country, and that whatever follies we may be led into as to foreign nations, we shall never give up our Union, the last anchor of our hope, and that alone which is to prevent this heavenly country from becoming an arena of gladiators. Much as I abhor war, and view it as the greatest scourge of mankind, and anxiously as I wish to keep out of the broils of Europe, I would yet go with my brethren into these, rather than separate from them. But I hope we may still keep clear of them, notwithstanding our present thralldom, and that time may be given us to reflect on the awful crisis we have passed through, and to find some means of shielding ourselves in future from foreign influence, political, commercial, or in whatever other form it may be attempted. I can scarcely withhold myself from joining in the wish of Silas Deane, that there were an ocean of fire between us and the Old World."

Mr. Adams's message at the opening of the special session met with Jefferson's prompt and unequivocal condemnation. His first letter afterwards (to Colonel Bell, May 18th) contains the following expressions:

"When we first met, our information from the members from all parts of the Union was, that peace was the universal wish. Whether they will now raise their tone to that of the Executive, and embark in all the measures indicative of war, and, by taking a threatening posture, provoke hostilities from the opposite party, is far from being certain. There are many who think, that, not to support the Executive is to abandon Government. As far as we can judge as yet, the changes in the late election have been unfavorable to the Republican interest; still, we hope they will neither make nor provoke war."

From this moment forward his whole correspondence ranks him unequivocally and avowedly with the decided opposition; nor is there a pretence to the contrary suffered to go forth, either by implication, or by withholding his views where there was any occasion for their expression. It is not necessary to follow his various declarations, betraying as they do more or less feeling according to circumstances.—Some were mild, and some as severe as was his wont when speaking of opponents who he thought transcended the fair bounds of propriety.

On Gerry's being appointed to the French mission, he immediately (June 21) addressed him in the following very serious strain:

"Our countrymen have divided themselves by such strong affections, to the French and the English, that nothing will recure us internally but a divorce from both

nations; and this must be the object of every real American, and its attainment is practicable without much self-denial. But for this, peace is necessary. Be assured of this, my dear sir, that if we engage in a war during our present passions, and our present weakness in some quarters, our Union runs the greatest risk of not coming out of that war in the shape in which it enters it. My reliance for our preservation is in your acceptance of this mission. I know the tender circumstances which will oppose themselves to it. But its duration will be short, and its reward long. You have it in your power, by accepting and determining the character of the mission, to secure the present peace and eternal union of your country. If you decline, on motives of private pain, a substitute may be named who has enlisted his passions in the present contest, and by the preponderance of his vote in the mission may entail on us calamities, your share in which, and your feelings, will outweigh whatever pain a temporary absence from your family could give you. The sacrifice will be short, the remorse would be never-ending. Let me, then, my dear sir, conjure your acceptance, and that you will, by this act, seal the mission with the confidence of all parties. Your nomination has given a spring to hope, which was dead before."

Jefferson also uniformly speaks well of the selection of General Pinckney and of the subsequent conduct of that gentleman in France.

The height which party exasperation reached during the extra session, is thus strongly depicted in a letter to Edward Rutledge, June 24th:

"You and I have formerly seen warm debates and high political passions. But gentlemen of different politics would then speak to each other, and separate the business of the Senate from that of society. It is not so now. Men who have been intimate all their lives, cross the streets to avoid meeting, and turn their heads another way, lest they should be obliged to touch their hats. This may do for young men with whom passion is enjoyment, but it is affliction to peaceable minds."

He remarks, on a different subject, in the same letter:

"We had, in 1793, the most respectable character in the universe. What the neutral nations think of us now, I know not; but we are low indeed with the belligerents. Their kicks and cuffs prove their contempt. If we weather the present storm, I hope we shall avail ourselves of the calm peace, to place our foreign connections under a new and different arrangement. We must make the interest of every nation stand surety for their justice, and their own loss to follow injury to us, as effect follows its cause. As to everything except commerce, we ought to divorce ourselves from them all."

It appears from Mr. Adams's Works that one of Mr. Jefferson's political letters of this period fell into his hands; or rather that an individual saw it and communicated his "impressions"



of its contents—and it called out a characteristic explosion of temper from the President. But as he made no allusion to it when, a few years after, deliberately writing for publication an explanation of the breaking off of his and Jefferson's intimacy at this very period, it is reasonable to suppose that he had wholly forgotten or was heartily ashamed of his unprovoked and puerile display of passion.<sup>1</sup>

On the 22d of January preceding (1797), Mr. Jefferson wrote his old friend and preceptor, Mr. Wythe, to know whether he, in his experience as a presiding officer over legislative bodies, had committed any parliamentary rules to paper. Mr. Wythe had not; and Jefferson was obliged to depend, in presiding over the Senate, upon his knowledge of those rules acquired by observation as a member of deliberative bodies, and upon a common-place book, on the subject, made while he was a student and practitioner of law. It affords a new specimen of his wide and minute research at that early period, that this common-place book already contained the great body of those citations and references which all public men are now familiar with as Jefferson's *Manual of Parliamentary Law*, and which were received as implicit, if not sole authority on that subject, in perhaps every State in our Union, until long experience and new developments of circumstances, called for modifications or alterations in some particulars. They still remain the basis of all our collections of parliamentary law.

This original common-place book, entitled "*Parliamentary Pocket Book*" is before us, a leather bound duodecimo, one hundred and five pages of which, in a hand as compact as ordinary print, are covered with references. It takes a considerably wider range than the *Manual* which he codified from it while President of the Senate, because it traces down the parliamentary law from its origin, and therefore includes considerable that was obsolete, or which, being specially applicable to the English system of government, was not so to ours.<sup>2</sup>

The first draft of the *Parliamentary Manual*—filled with inter-

<sup>1</sup> Mr. Adams's momentary anger was vented in a letter to Gen. Uriah Forrest. This is made the text and occasion of some very remarkable errors of statement in the Congress edition of John Adams's Works. See APPENDIX, No. 15.

<sup>2</sup> This was one of the books found as stated at vol. i. p. 16, note. To give some idea of its scope, we quote a few of the marginal references in the order in which they occur: "Three Estates; Members for new boroughs rejected; Wittenagemote; Courts Saxon: Officers Saxon elected and deprived; Parliaments ordinary and extraordinary; Magna

18. Gray 300. 1. To be questions, been agreed to variation. S. H. 300. 1. 2. no question needed be put on the whole report. S. Gray 301.

here as in committee, then  
Committee, except that after the paragraph have on distinct  
be put on the whole report. S. Gray 301.  
§ 118 On taking up a bill reported with amendments, the amend-  
ments only are read by the clerk. The Speaker then reads the  
first, & puts it to the question, and so on till the whole are a-  
-dopted or rejected, before any other amendment be admitted  
except it be an amendment to an amendment. If any  
when the committee of the committee the first of the amendments  
memoranda, S. 2. then the amendments are taken up by the  
for amendments be proposed in the H. to the Speaker of the bill  
paragraphs; as he does also if it had been reported with  
-out amendments, or if, on the other hand, it had been  
taken up in the house without amendments; putting no  
questions but on amendments proposed: and when  
through the whole, he puts the question whether the bill  
shall be read a 3<sup>d</sup> time?

Petition

Rules

§ 117. a Petition may say something: a remonstrance has no  
prayer. 1. Gray 58.  
§ 118. that is done only by one parliament, cannot be called  
custom of pari. by Prynne. 1. Gray 52.  
§ 119. when the matter contained in two bills might be  
better incorporate put into one, the manner is to reject the one,  
and incorporate its matter into the other bill by way of a  
-ment. so if the matter of one bill would be better dis-  
-tributed into two any part may be struck out ~~or inserted~~  
and ~~inserted~~ by way of amendment, & put into a new bill. if a  
section is to be transposed, a question must be put on strik-  
-ing it out where it stands, & another for inserting it in the  
place desired.

Order in XVII.

§ 120. it is a breach of order in debate to notice what  
has been said on the same subject in the other house, or  
the particular votes or majorities on it there: because the  
opinion of each house should be left to its own independency,  
not to be influenced by the proceedings of the other; and the  
quoting them might beget reflections leading to a misunder-  
-standing between the two houses. 2. Gray 22.

Petition

Speaker

Myself

§ 121. but a petition not subscribed, but which the member pre-  
-sented it affirmed to be all in the hand writing of the petitioner and  
his name written in the beginning, was on the question (Mar. 14. 1800)  
received by the Senate. The answer of a member & of somebody without leave  
§ 122. a Speaker may be removed at the will of the house and a  
Speaker pro tempore appointed. 2. Gray 106. 5. Gray 124.  
§ 123. if members commit in error in delivering their message they may be ad-  
-mitted or called in to correct their message. 4. Gray 61. accordingly, Mar. 13. 1800  
The Senate having made two amendments to a bill from the H. the their Secretary  
by mistake ~~inserted~~ <sup>submitted</sup> one only, which being inadmissible by itself, that house  
disagreed & and notified the Senate of their disagreement. This produced a  
discovery of the mistake & the Secretary was sent down to correct his message  
and the correction was accepted, and the two amendments acted on de-  
-ferred.  
§ 124. a question is never asked by the one house of the other, by way of one message but  
only at a conference. ~~intercourse~~ for this is an interrogatory not a message. 3. Gray 181. 181.

the petitioner, is necessary for it to be  
questioned & Gray 36. it must be pre-  
-sented by the petitioner. if by the petitioner it  
must be signed by him and by the Speaker  
of the House. 2. Gray 52.



lineations and erasures, with "riders" attached, and amended passages pasted over the original—stitched and folded so as to be carried within the more comprehensive Pocket Book—is also before us. It corresponds very closely with the familiar published copy, except that it contains one more section (with a pen run through it, however), and the present order of arrangement is not observed except in the index. The entries were obviously made seriatim, as the several facts or points were incidentally investigated and decided.

The special session terminated on the 10th of July; but Mr. Jefferson, according to custom, yielded the chair to a President pro tempore (William Bradford of Rhode Island) before the period of adjournment. This occurred on the 6th. He left the capital that day and reached home on the 11th.

TO MARIA JEFFERSON.

PHILADELPHIA, May 25th, 1797.

MY DEAR MARIA:

I wrote to your sister the last week, since which I have been very slowly getting the better of my rheumatism, though very slowly indeed; being only able to walk a little stronger. I see by the newspapers that Mr. and Mrs. Church and their family are arrived at New York. I have not heard from them, and therefore am unable to say anything about your friend Kitty, or whether she be still Miss Kitty. The condition of England is so unsafe that every prudent person who can quit it, is right in doing so. James is returned to this place, and is not given up to drink as I had before been informed. He tells me his next trip will be to Spain. I am afraid his journeys will end in the moon. I have endeavored to persuade him to stay where he is and lay up money. We are not able yet to judge when Congress will rise. Opinions differ from two to six weeks. A few days will probably enable us to judge. I am anxious to hear that Mr. Randolph and the children have got home in good health; I wish also to hear that your sister and yourself continue in health; it is a circumstance on which the happiness of my life depends. I feel the desire of never separating from you grow daily stronger, for nothing can compensate with me the want of your society. My warmest affections to you both. Adieu, and continue to love me as I do you.

Yours affectionately,

TH. JEFFERSON.

**Charts**; Officers elective; Peace conservators—justices; Parliaments, how to begin; A session, what; Parliament not subject to rules of common law; But one House of Parliament; Errors of Parliament, how corrected; Session, what; Orders of Parliament, when determined; When a law expires; Estates; Commons, who; When two houses; Peers, how called; What a dissolution; Prorogation, how; Opening of Parliament; Who choose Speaker; Freedom of Speech; Committees; Proxy; Freedom of Parliament; Consult constituents; Representation; Law of Parliament, etc. Then follows the body of the parliamentary law arranged by topics as in the Manual, though the order and much of the phraseology are different.

## TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, *June 8th*, 1797.

I receive, with inexpressible pleasure the information your letter contained. After your happy establishment, which has given me an inestimable friend, to whom I can leave the care of everything I love, the only anxiety I had remaining was, to see Maria also so associated as to ensure her happiness. She could not have been more so to my wishes, if I had had the whole earth free to have chosen a partner for her.

I now see our fireside formed into a group, no one member of which has a fibre in their composition which can ever produce any jarring or jealousies among us. No irregular passions, no dangerous bias, which may render problematical the future fortunes and happiness of our descendants. We are quieted as to their condition for at least one generation more.

In order to keep us all together, instead of a present position in Bedford, as in your case, I think to open and resettle the plantation of Pantops for them. When I look to the ineffable pleasures of my family society, I become more and more disgusted with the jealousies, the hatred, and the rancorous and malignant passions of this scene, and lament my having ever again been drawn into public view. Tranquillity is now my object. I have seen enough of political honors to know that they are but splendid torments; and however one might be disposed to render services on which any of their fellow-citizens should set a value, yet, when as many would depreciate them as a public calamity, one may well entertain a modest doubt of their real importance, and feel the impulse of duty to be very weak. The real difficulty is, that being once delivered into the hands of others whose feelings are friendly to the individual and warm to the public cause, how to withdraw from them without leaving a dissatisfaction in their mind, and an impression of pusillanimity with the public.

## TO MARIA JEFFERSON EPPES, EPPINGTON.

MONTICELLO, *Dec. 2d*, '97.

MY DEAR MARIA:

You will be surprised at receiving a letter from me dated here at this time, but a series of bad weather having suspended our work many days, has caused my detention. I have for some time had my trunk packed and issued my last orders, and been only waiting for it to cease raining, but it still rains. I have a bad prospect of rivers and roads before me. Your sister removed to Belmont about three days ago; the weather ever since has kept us entirely asunder. If to-morrow permits my departure, I shall be in Philadelphia in a week from this time. You shall hear from me then, should it be only to provoke answers to my letters assuring me of your health, and Mr. Eppes's, and the good family of Eppington. I received his letter from Mrs. Payne's which gave us great comfort; but we have apprehended much that you did not get to Eppington before the bad weather set in. Tell Mr. Eppes that I leave orders for a sufficient force to begin and furnish his houses during the week after the Christmas holidays; so that his people may come safely after New Year's Day; the overseer at Shadwell will furnish them provisions. Present my affections to him, and continue to love me as you are tenderly beloved by

Yours affectionately,

TH. JEFFERSON.

In explanation of the allusions of the preceding letters, and of the changed address of the last one, it is to be stated that on the 13th of October, 1797, Maria, Mr. Jefferson's youngest daughter, was married to her cousin,<sup>1</sup> John Wayles Eppes, and thenceforth, for a period, took up her residence at Eppington, the happy home of her childhood. This old Virginia seat and its inmates are thus described in a letter to us from the only son of Maria Jefferson Eppes.

TALLAHASSEE, FLORIDA, —, 1856.

DEAR SIR:

You ask me for a description of Eppington, but such an impression as I can now give must be considered an imperfect sketch. The mansion-house itself, an old-fashioned, two-story building, with a hipped roof in the centre and wings on the sides, with a hall or passage in front running from one wing to the other and opening on the offices, and with piazzas in front and rear, was placed at the extreme side of a large level or lawn covered with green sward, extending to a considerable distance in front, and declining on the left side as you entered, and in the rear of the house, to the low grounds of the Appomatox, a mile off. In front, and over the neighborhood road which skirted the lawn, was situated the garden, long famous in the vicinity for its fine vegetables and fruit; and to the right of the lawn, as you entered, was an extensive orchard of the finest fruit, with the stables between, at the corner and on the road. The mansion, painted of a snowy white, with green blinds to the windows, and its row of offices at the end, was almost imbedded in a beautiful double row of the tall Lombardy poplar—the most admired of all trees in the palmy days of old Virginia—and this row reached to another double row or avenue which skirted one side of the lawn, dividing it from the orchard and stables. The lawn in front was closed in by a fence with a small gate in the middle and a large one on either extremity, one opposite the avenue of poplars, and the other at the end of the carriage-way which swept around it.

The plantation was quite an extensive one, and in the days of my grandfather, Francis Eppes, sen., was remarkably productive. Indeed it could hardly have been otherwise under such management as his; for he was eminent for his skill both in agriculture and horticulture; and I have heard Mr. Jefferson, who knew him intimately, say of him, that he considered him not only "the first horticulturist in America," but "a man of the soundest practical judgment on all subjects that he had ever known."

"I still do I remember his venerable appearance—his grave and dignified demeanor; his serious, thoughtful, loving look, so expressive of the mingled firmness and kindness of his character; and from these boyish impressions can well credit what I so often heard in after life of his inflexible adherence to principle. Sure I am that he, beyond most men, was a man who could not be easily turned from his purpose; that he was calm and deliberate in counsel and resolute in action—worthy of the poet's praise,

*"Justum et tenacem propositi virum,"* etc.

And yet my own boundless love for him, the love of his children, his wife, his

<sup>1</sup> Rather, half cousin.

friends, his neighbors, his domestics, shows that the sterner features of his character were softened and subdued by the possession of a heart overflowing with love, and a constant and active solicitude for the happiness of all around him. Never, I believe, was there a husband, father, master, friend, more truly and justly beloved while living, and mourned when dead.

Of my grandmother, Elizabeth Wayles, it is but a just meed of praise to say that she was entirely worthy to be the companion and friend of such a man. Full of love and gentleness, she won and held not only the heart of her husband, but the affections of all who approached her; while her well-ordered household and excellent management made her long famous as a "housekeeper" in that part of Virginia. Endowed with a mind of superior order, she soon perceived the excellence of the outside economy of her husband, and felt and understood that it was her part and duty to present a perfect parallel within doors; and with a vigor and determination of spirit only equalled by its uniform kindness, she set herself to the work, and most effectually did he accomplish it to the entire satisfaction of her husband, and the admiration of her children, and friends.

Such were the Heads of the House, and such was Eppington itself as seen through the vista of bygone years! Here were reared a family of one son (my father, John W. Eppes), and six daughters, all happily married and settled in the world. And here was the abode of a hospitality only known in the happiest days of the 'Old Dominion'—when friends and even acquaintances would visit each other with their carriages, horses and servants, and sojourn for months and months, always sure of and always receiving the kindest welcome. Here too, under the tuition of my grandmother, who taught me to read, and in the society of my grandfather, whose constant companion I was in his daily rides over the plantation, were spent the earliest, happiest days of my life. Here I remember but one sorrow, the death of my loved playmate and only sister, Maria. Never can I forget the picture of loveliness and innocence of which she was to my mind the fairest type! never the grief which seized upon my young heart when they told me she was dead! alas!

*"Elle était de ce monde, où les plus belles choses  
Ont le pire destin :—  
Et rose, elle a vécu ce que vivent les roses,  
L'espace d'un matin."*

In the garden at Eppington repose her mortal remains, and by the side of those of my beloved grandmother. For "as a tale that is told," the end soon came! At the age of sixty-three, my grandfather, who until three years before had enjoyed uninterrupted health, died, and was buried at the Sweet Springs, in Virginia, whither he had gone in company with my father, in the hope of being relieved of a chronic disease; and in a few short years my grandmother followed him to the spirit world. The establishment at Eppington passed into other hands, and I went forth with my father to his new home.

FRANCIS EPPES.

To HENRY S. RANDALL, Esq.

The husband of Maria Jefferson,—the "Jack Eppes" of Mr. Jefferson's letters—was a gallant young fellow of twenty-five, of most engaging appearance and address, possessing a sunny tem

per, a warm heart, high principles, intuitive prudence, a finished education, and these talents which subsequently made him the Republican leader in Congress and one of the most prompt and effective parliamentary debaters of his day. He might have risen to a still more commanding position had his life not terminated when it had just touched the full meridian of intellectual manhood.<sup>1</sup>

We must now go back to record a circumstance which caused a good deal of feeling, not to say excitement, in political circles at the time, and which has been the theme of much controversial and historical comment.

We gave in its chronological place a letter of Mr. Jefferson to Philip Mazzei, dated April 24th 1796.\* The latter, having no permission so to do, published an Italian translation of it in Florence on the 1st of January, 1797. From thence it appeared retranslated into French in the "*Gazette Nationale, ou le Moniteur Universel*" Paris, January 25th. Translated the third time, and now back into English, it made its appearance in the American newspapers in the beginning of May. The earliest American publication under our eye is dated May 4th. Its style bore traces of its metamorphoses.—Though far from accurate, its purport was sufficiently preserved in general, except that one important change occurred in transposing the word "forms" into "form" in the second sentence, and another in adding at the close, the following words, of which there was not a vestige in the original: "It suffices that we arrest the progress of that system of ingratitude and injustice towards France, from which they would alienate us, to bring us under British influence" etc.

Mr. Jefferson first saw this publication on the 9th of May at Bladensburg, on his way to Philadelphia, to take his seat as presiding officer of the Senate, at the late special session. The Federal press at once opened its assaults on him. Porcupine's (Cobbet's) *Gazette* declared in a letter to Jefferson (May 20th) that it was "unfortunate for the ancient Dominion of Virginia, that the names of the late secretary Randolph, Giles, Madison, Monroe and himself was found in its rolls of citizens; but whilst

<sup>1</sup> He died (of a rheumatic affection of long standing) in the summer of 1825, aged fifty-three.

<sup>2</sup> See ante, p. 295.



she possessed the beloved Washington, and the memory of his great achievements and illustrious character was cherished by Americans, those names, like specks upon the sun's disk, would be but transiently observed, and detract but inconsiderably from her lustre." Cobbet had no laudations for Washington except when they were to be made vehicles of attacks upon others.—We will not say that this comported with the ultra-Federal programme of political action in the first particular. But it undeniably did in the last. Men who differed cardinally from the first President in their political ideas and aims, and who as Monroe declared, worked "underhanded" in regard to him, had learned to make it their grand stroke of policy "to use his name and standing," "to serve their purposes."<sup>1</sup> It was difficult for any Republican to utter earnest words for his principles or his side, without, according to the showing of these ingenious appropriators, reflecting upon, or directly traducing General Washington. It was soon found by them, of course, that Jefferson's Mazzei letter had been written for that special object!—

The publication placed Mr. Jefferson in an embarrassing position. But he remained silent on the subject, in his correspondence, until after the adjournment. He wrote to Mr. Madison, August 3d:

"The variety of topics, the day I was with you, kept out of sight the letter to Mazzei, imputed to me in the papers, the general substance of which is mine, though the diction has been considerably altered and varied in the course of its translations from English into Italian, from Italian into French, and from French into English. I first met it at Bladensburg, and for a moment conceived I must take the field of the public papers. I could not disavow it wholly, because the greatest part was mine, in substance, though not in form. I could not avow it as it stood, because the form was not mine, and, in one place, the substance [was] very materially falsified. This then would render explanations necessary; nay, it would render proofs of the whole necessary, and draw me at length into a publication of all (even the secret) transactions of the Administration while I was in it; and embroil me personally with every member of the executive, with the judiciary, and with others still. I soon decided in my own mind to be entirely silent. I consulted with several friends at Philadelphia, who, every one of them, were clearly against my avowing or disavowing, and some of them conjured me most earnestly to let nothing provoke me to it. I corrected, in conversation with them, a substantial misrepresentation in the copy published. The original has a sentiment like this (for I have it not before me: "they are endeavoring to submit us to the substance, as they have already to the forms, of the British government;" meaning by forms, the birthdays, levees, processions to Parliament, inauguration pomposities, etc. But the copy published says,

<sup>1</sup> See vol. i. pp. 590-591.

"as they have already submitted us to the form of the British," etc., making me express hostility to the form of our government, that is to say, to the Constitution itself. For this is really the difference of the word form, used in the singular or plural, in that phrase, in the English language. Now it would be impossible for me to explain this publicly, without bringing on a personal difference between General Washington and myself, which nothing before the publication of this letter has ever done. It would embroil me also with all those with whom his character is still popular, that is to say, nine tenths of the people of the United States; and what good could be obtained by avowing the letter with the necessary explanations? Very little indeed, in my opinion, to counterbalance a good deal of harm. From my silence in this instance, it cannot be inferred that I am afraid to own the general sentiments of the letter. If I am subject to either imputation, it is to that of avowing such sentiments too frankly both in private and public, often when there is no necessity for it, merely because I disdain everything like duplicity. Still, however, I am open to conviction. Think for me on the occasion, and advise me what to do, and confer with Colonel Monroe on the subject."

He ultimately persevered in his determination to remain silent.

Some absurd declarations of Pickering, presently to be noticed, render General Washington's impressions and feelings on the publication of the Mazzei letter a subject of interest. Jefferson always asserted that he understood its allusions too well to apply any of them to himself,<sup>1</sup> and that he neither sought, needed, nor received any explanations on the subject. A letter from Washington to John Nicholas ("Clerk John") written towards a year after the publication of the Mazzei letter (March 8th, 1798) contains the following passage:

"Nothing short of the evidence you have adduced, corroborative of intimations which I had received long before through another channel, could have shaken my belief in the sincerity of a friendship, which I had conceived was possessed for me by the person to whom you allude."

The person in whose friendship General Washington here declares his confidence *first* effectually shaken, was, says Mr. Sparks (who wrote, it is to be presumed, with Mr. Nicholas's letter before him) Mr. Jefferson.<sup>2</sup> The "intimations," received "long before," were doubtless the communications of General Lee—for it would be preposterous to suppose that General Washington would thus designate the published communication to

<sup>1</sup> And among the dilemmas presented in Jefferson's letter to Madison of August 3d, 1797, growing out of the publication of the Mazzei letter, it will be remarked that no apprehension is expressed that General Washington will resent anything in the letter itself, if no explanations are attempted.

<sup>2</sup> Sparks's Washington, vol. xi. p. 228—note.

Mazzei—or that he would mention simply as “intimations,” demanding corroborating facts to show their unfriendliness, the severe imputations of the Mazzei letter, providing he applied them to himself. He either, therefore, did not apply them to himself, or he did not consider them proofs of unfriendliness.’ Adopting either supposition, the inference is unavoidable that the Mazzei letter produced no rupture or even alienation between him and its writer.

The Federalists incessantly harped on this letter up to and during the Presidential election of 1800—with what effect, the result of that election affords sufficient evidence.

Judge Marshall’s allusion to it in his *Life of Washington* has been already noticed. This drew out a very severe expression in Mr. Jefferson’s *Ana*, his chief complaint being that Marshall had no right, in a historical production, to assume the authenticity of the letter. To this the latter made a very angry reply in a note to the second edition of his work. He attempted to show that if the “interpolated” (closing) sentence had been spurious, as alleged by Jefferson (and as the press copy of the letter shows) he certainly would have denied it at the time. He then takes up the “avowed” copy and labors to prove that it, in reality, went quite as far as the other!

When Judge Marshall asserted that he had a right to assume the genuineness of the letter, because it “was never questioned by Mr. Jefferson or by any of his numerous friends,” he asserted more in the latter particular than he could possibly know, and what chanced to be wholly inaccurate. If he meant a published disclaimer, he probably had forgotten that he had recorded in the same work where these assertions appeared, that General Washington allowed published spurious letters, attributed to himself, to remain years without a published contradiction; and it would hardly do to say that he considered them too manifest forgeries or too unimportant to be entitled to that notice, as he

\* If any one has a remote suspicion that Gen. Washington would have viewed anything he considered as amounting to a direct or indirect assertion or insinuation coming from Mr. Jefferson, that he belonged to “an Anglican monarchical aristocratical party”—that he had, like Samson, had his “hair” (to use the language of the version published in 1797) “cut off by the whore of England,” otherwise than with lively anger and indignation, they will do well to consult the last paragraph of Washington’s letter to Jefferson, of July 6th, 1796. (See Washington’s Works, vol. xi. p. 139.)

And additional light might be thrown on parts of the subject by reading General Washington’s Correspondence at a later period with (Clerk) John Nicholas and Bushrod Washington in respect to a spurious letter signed “John Langhorne.”

did after retiring from the Presidency make a very formal disavowal of them, and request it to be filed in the office of the Secretary of State. This gave it far more importance than a simple publication, and he of course knew that publication in the newspapers would at once follow. Yet Judge Marshall clearly, we think, conveys the idea that the lateness of Mr. Jefferson's disclaimer, ought to impeach its veracity!

We cite these facts, not to show that Marshall was more inflamed by prejudice and resentment than other able and estimable men of that day—than Jefferson himself—but further to exhibit the unsoundness of that well-preached theory, that the violence of our early political contests was all confined to one man or one side. Besides, to admit that the want of a denial proves a charge, would be a fatal one to the subject of this biography!—We have already seen him charged by quite as conspicuous an enemy as Marshall, of suborning a printer to commit perjury. We do not find in his contemporaneously or posthumously published writings, any trace of a denial of that specific charge. Others nearly as odious literally rained on him for upwards of a quarter of a century—some of them ostensibly substantiated by an array of particular and even minute circumstances. Of not one of them do we ever find him making any public denial, or asking anybody to do it for him. The most we find is his supplying materials, in a very limited number of instances, to disprove charges involving important official or historical transactions. We scarcely remember an example of his contradicting, even privately, an infamous mere personal accusation. Those who knew him best, never heard him so much as mention indecent calumnies which rung through the press through the lives of a generation.

We rather think that the world has arrived at the conclusion that a man steeped in habitual crime and infamy is never struck dumb by his conscience when he is called upon to whitewash himself by a falsehood. And if an attempt at self-exculpation proves nothing, the omission of it should prove nothing.

The unlucky Mazzei letter was not to pass off the stage without another contemporaneous notice which has become historic, and we may as well complete the story of this tragico-farcical affair here.

In 1824, Timothy Pickering, in a pamphlet containing a furi

ous attack on John Adams, Mr. Jefferson and other eminent statesmen, published some new pretended disclosures on this subject. He quoted a Doctor Stuart as having informed him, twenty years before, that when General Washington "became a private citizen," he called Mr. Jefferson to account for expressions in the letter, etc.; and Mr. Pickering (speaking for himself and not for his informant, Dr. Stuart) added:

"In what manner the latter [Jefferson] humbled himself, and appeased the just resentment of Washington, will never be known, as, some time after his death, the correspondence was not to be found, and a diary for an important period of his Presidency was also missing."

The innuendo contained in the two last statements, is not to be mistaken; and it is worthy of that harsh, angular tempered, bitter, and when stirred by private resentment or the conspicuousness of his opponent, malevolent partisan, who never, against such an opponent, found a calumny so wild or atrocious, or a suspicion so dirty and improbable, as not readily to appropriate it to his own use and give it all the sanction it could derive from his affected belief and industrious circulation. The cabinet officer whom we are to find stealthily and systematically betraying the personal and official confidence of his own principal, through a course of years, was not only the proper personage to believe or affect to believe a kindred charge against a predecessor, but to boldly throw out, on the strength of a naked hypothesis, a broad intimation that proofs of a confession of the charge had been suppressed by what morally, if not legally, would amount to a theft.

If no letters on the subject between Washington and Jefferson were found among the papers of the former, after his death, the natural and obvious inference would be that none had been written. No single fact is offered affirmatively to show the contrary. The non-appearance, *primâ facie* proves the non-existence; but there is an effort to color it into the ground of an opposite suspicion, by calling attention to what is assumed to have been a corresponding chasm in General Washington's diary. A fact admitting of so many other solutions is brought forward as involving a coincidence sufficiently remarkable to form a foundation for a charge, or broad insinuation of a crime. But, unfortunately for Pickering, the eagerness of his malice outran his circumspection. The chasm in the diary is placed during the period of Washington's Presidency; and that

had terminated months before any knowledge of the Mazzei letter had reached the United States! So the imaginary coincidence falls to the ground, and all we have left is, that no letters to prove any correspondence between Washington and Jefferson in regard to the Mazzei letter, were found. If this is proof of the charge, a new rule of evidences should be introduced into the codes of ethics and jurisprudence; namely, that accusations of crime are not to be substantiated by facts, but by the want of them—the want proving that another crime has been committed to conceal the evidences of the first one.

Such a hypothesis, not sufficient to bewilder the natural sense of right possessed by a young child, or an uneducated savage, was eagerly caught at; and still another hypothesis, imputing crime to another man, was wheeled forward in its support by Mr. Pickering or his sympathizers—shades bracing up shadows!

A young man, a recent graduate of Harvard University, had entered General Washington's family as his private secretary and the tutor of his wife's children, "recommended," says the editor of General Washington's Works (Mr. Sparks), "in strong terms by General Lincoln, President Willard, and other gentlemen of distinction, *who were acquainted with his character.*" Between General Washington and him, says the same writer, "an intimacy commenced, which continued through the life of the former." He acted as Washington's private secretary during his Presidency; he, after an "intimacy" of twelve years, was selected as the military secretary of the latter when he accepted the command of the provisional army in 1798; he was constantly charged with the most confidential business by his patron, treated by him as a friend, made a familiar member of his family, and attended Mrs. Washington in her journeys; he stood by Washington's dying bed, and, by the instructions of Mrs. Washington, made the communication of his death to the President. President Adams embodied his letter entire in his message to Congress on the occasion, as if it came from a person whose importance personally, officially, and as a member of Washington's family, entitled it to that respect. If Washington, from long and intimate intercourse, found so much to respect and trust in Lear's character and capacity, we are not aware that any fact has ever been proven, which shows that he erred in his judgment.

Colonel Lear was a decided Republican in his opinions and sympathies. Jefferson—who, when President, left a large proportion of the Federal appointees of his predecessors in their places—could certainly consistently confer an office on a political friend of the qualifications of Colonel Lear, and at the same time, pay a not ungraceful token of respect to the memory of Washington. He first appointed him, we believe, Consul General at St. Domingo—afterwards to the same rank at Tripoli—and joint Commissioner with Commodore Barron to negotiate peace with the latter power. He continued to hold honorable public offices under Mr. Jefferson's successor, until his death in 1816.

Jefferson's appointment of Colonel Lear supplied the basis of another hypothesis for Pickering and his associates, or rather a missing link in their former one. It became necessary to show how Jefferson could have obtained the means of abstracting the conjectured correspondence between himself and Washington from the letter-books of the latter. All of Washington's papers were accessible to Lear. Jefferson appointed Lear to office. Therefore (for there is no other proof) Lear mutilated the letter-books of his dead benefactor and friend to accommodate Jefferson! How the criminal and his instigator could have known that Mrs. Washington and all other relatives and friends of the General would be in safe ignorance of the existence of such a correspondence, does not appear.

Most people would be inclined to ask whether a recently defeated candidate for the Presidency, and the certain next candidate of his party in prospect, would be likely to write very "humiliating" letters to a supporter of John Adams's Administration, who he had every reason to know, from a full acquaintance with his habits, would preserve his letters<sup>1</sup> to at least take all the chances of other letters of disclosure after Washington's death. Few scoundrels indulge compunction in so dangerous a way! Or did this arch wizard (where an insulting theory is to be sustained—on all other occasions, blundering, maladroit "philosopher") know when he confessed on paper something disgraceful to himself, that the recipient of his confession would die in about

<sup>1</sup> Pickering's theory also is not that General Washington received such letters and himself destroyed them, but that he preserved them to the close of his life, and left them among his other letters.

two years—would leave his manuscripts within the reach of a person who could be seduced by an office to mutilate and steal them'—and that he (Jefferson) would be in an official position to pay in this cheap coin the wages of villainy?

Some other rumors that somebody else had heard expressions from Washington similar to those attributed by Pickering to Dr. Stuart, did not fail to get into the newspapers. On being traced out by the friends of Mr. Jefferson, they were found to amount to nothing; and they are not worth mention here.

Mr. Van Buren, of New York, called Mr. Jefferson's attention to the charges of Pickering in 1824, and received an answer, dated July 29th of that year, which contained the following passages:

"I do affirm that there never passed a word, written or verbal, directly or indirectly, between General Washington and myself on the subject of that [the Mazzei] letter. He would never have degraded himself, so far as to take to himself the imputation in that letter on the 'Samsons in combat.' The whole story is a fabrication, and I defy the framers of it, and all mankind, to produce a scrip of a pen between General Washington and myself on the subject, or any other evidence more worthy of credit than the suspicions, suppositions, and presumptions of the two persons here quoting and quoted for it. With Dr. Stuart I had not much acquaintance. I supposed him to be an honest man, knew him to be a very weak one, and, like Mr. Pickering, very prone to antipathies, boiling with party passions, and under the dominion of these readily welcoming fancies for facts. But come the story from whosoever it might, it is an unqualified falsehood."

This letter is contained in both editions of Mr. Jefferson's Works, but as it hunts down other wholly unfounded assertions of Pickering, and incidentally raises an extraneous question of some interest, we have concluded to present it in the Appendix.\* Further notice of its contents will be reserved for the same place.

Here we had proposed to drop this topic. Our attention, however, was called to the following editorial note, appended to Washington's letter to Jefferson of July 6th, 1796, in Mr. Sparks's edition of Washington's Works (vol. xi., p. 139):

"No correspondence after this date between Washington and Jefferson appears in the letter-books, except a brief note the month following upon an unimportant matter. It has been reported, and believed, that letters or papers, supposed to

\* And gratuitously steal some of the wrong date!

\* See APPENDIX, No. 16.



have passed between them, or to relate to their intercourse with each other at subsequent dates, were secretly withdrawn from the archives of Mount Vernon after the death of the former. Concerning this fact, no positive testimony remains, either for or against it, among Washington's papers as they came into my hands."

We had not understood this as more or less than a cautiously worded statement that there was nothing in the appearance or contents of the letter-books to throw any light on Pickering's charge. This, so far as it went, disproved that charge; and those who know how regular letter-books are kept, and have reflected on the numerous minute circumstances which might, in spite of every precaution, expose a mutilation, could not but understand that Mr. Sparks's negative testimony acquired no small degree of the force of important affirmative testimony.

We learned, however, that others viewed the purport or effect of the note differently. We had been specially enjoined by Mr. Jefferson's representatives never to hesitate in drawing out testimony in respect to any accusation against him, from friends or foes, where their veracity could be relied on. The fact that Mr. Sparks had been in possession of General Washington's letter-books and papers while editing his works; that he was an expert in manuscripts; that he was one of those diligent collaters and investigators whom nothing would escape; that he was a discriminating, candid, and singularly fair man, gave importance to his supposed suspicion that Pickering's conjectures might be true. Accordingly we addressed him on the subject, and received the following reply:

CAMBRIDGE, May 24, 1856.

DEAR SIR:

In regard to the report or suspicion which for some time existed, that a portion of the correspondence between Washington and Jefferson was abstracted from Washington's papers by Mr. Lear, I was surprised to learn, from your letter, that a note in "Washington's Writings" had led some persons to suppose that I was inclined to credit the suspicion, more especially as I there state that I had found no evidence in support of it among the papers as they came into my hands.

I once spoke to Judge Washington on this subject. He said to me that no such charge had ever been made by him; that the papers did not come into his possession till eight months after General Washington's death, but he had discovered nothing in the condition of the papers, which induced him to believe that any of them had been withdrawn. This testimony, added to the fact that no positive proof has ever been adduced, would seem to leave the charge entirely destitute of foundation.

I am, dear sir,

Very respectfully yours,

JARED SPARKS.

HENRY S. RANDALL, Esq.

The year 1797 witnessed another effort to disturb the friendly personal relations between Washington and Jefferson. The former received a letter dated "Warren, Albemarle county, 25 September," filled with rhetorical laudation, and expressions of sympathy for him, as the subject of "unmerited calumny."<sup>1</sup> The General replied, October 15th, briefly but very generally,<sup>2</sup> and here the correspondence dropped. Mr. Sparks appends to Washington's reply the following note:

"The name placed at the head of this letter was fictitious. A person signing himself 'John Langhorne' had written to General Washington, with the insidious design of drawing from him remarks and opinions on political subjects, which might be turned to his injury, and promote the aims of a party. The fraud was detected by Mr. John Nicholas, who ascertained accidentally that a letter from General Washington was in the post-office at Charlottesville, in Albemarle county, directed to John Langhorne (a name unknown in that neighborhood) and that it was sent for by a person whose political connections and sentiments were in harmony with the party which had opposed the measures of Washington. The facts were communicated to him by Mr. Nicholas, and thus the plot was defeated."

"Clerk John" Nicholas was a weak-headed, absurd, busy-body, with that restless itching for notoriety which renders a man destitute of ability, sense, or delicacy, almost indifferent as to the subject, and banishes all feeble scruples as to the means. He could cringe, swagger, collect and retail private conversations, play the part of a spy, and fawn on those he had injured. His passion was to get into the newspapers and correspond with eminent men. He had "seen service" (he commanded the three hundred militia who retired before Arnold as he marched from Westover to Richmond), and therefore affected the army and particularly took care of the reputation of General Washington. A chance to recount some exploit where he and his "dear General," "his beloved General," were "in Flanders" together—and where he was coactor or at least eye-witness—was as eagerly seized upon as Captain Dalgetty seized upon an occasion modestly to hint at the time when he was in "Mareschal College," or under "the immortal Gustavus." Next to being the patron of General Washington's fame in that part of Virginia, the best chance of being talked about lay in being "the enemy" of Mr. Jefferson. Consequently "Clerk John," was the mint of most of those false

<sup>1</sup> For the letter see Washington's Works, vol. xi. p. 501.

<sup>2</sup> Ib. p. 218.

and contemptible personal calumnies which got into the public prints in regard to the latter. He labored most assiduously to produce a personal difficulty between him and Washington.<sup>1</sup>

He did not fail to attribute the Langhorne letter to Jefferson! General Washington was naturally indignant at the forgery—he was irritated by constant tales of secret attacks on him by Jefferson, and his feelings were highly wrought up by the exciting political events of the period.<sup>2</sup> He did not understand the character of his witness, and probably was misled by his name.<sup>3</sup> Accordingly, he appears to have attached some credit to the absurd story.<sup>4</sup> But Nicholas had not achieved his ultimate object. He had not got his rescue of General Washington from this fearful conspiracy into the newspapers! He wrote Bushrod Washington<sup>5</sup> to obtain permission to do so. The request led to a conference between the latter, General Washington, and John Marshall; and this was the last, we believe, that was heard of “John Langhorne,” until he stalked posthumously on the boards in the published correspondence.

Possibly Marshall or Bushrod Washington knew more of the informer. At least, their lawyer-like eyes at once saw the absurdity of attempting to prove a very dangerous plot out of a silly letter, which did not even ask a question, and which General Washington himself thought “the production of a pedagogue who was desirous of exhibiting a few of his flowers,” and which he “never thought more of,” “until the history of the business was developed by Mr. Nicholas.” And admitting that some human compound of knavery and idiotcy had expected thus to entrap General Washington, men accustomed to sift testimony and weigh probabilities against the hypotheses of such “developers” probably found it difficult to attribute so puerile and senseless a

<sup>1</sup> He was the “malignant neighbor” whom Mr. Jefferson speaks of in the introduction of the *Ana*, as “copiously nourishing” General Washington “with falsehoods” for that purpose.

<sup>2</sup> Washington’s letter to Nicholas, March 8th, 1798, contains some references to “Monroe’s View of the Conduct of the Executive of the United States.” To this Mr. Sparks attaches a reference to Appendix X. of the same volume, which contains Washington’s remarks on Monroe’s View. These “remarks” will illustrate our observation in the text. (See Washington’s Works, vol. xi. p. 504.)

<sup>3</sup> We do not mean to say that Washington mistook him for the celebrated John Nicholas—but that he was misled by the high respectability of a family name.

<sup>4</sup> On reading some of General Washington’s expressions of momentary feeling on this occasion—on observing what he does say and what he does not say—we think a new and forcible commentary on the probability of the existence of the conjectured shortly preceding “humble” letters, will strike most persons.

<sup>5</sup> A nephew of General Washington, appointed an Associate Justice of the Supreme Court of the United States, September 29th, 1798.

piece of folly to Mr. Jefferson, or to discover any motive he could have had for it. How was this treacherous extractor of information to avail himself of it without self-exposure?<sup>1</sup>

Mr. Sparks says, in his note, that the Langhorne letter "was sent for," at the Charlottesville post-office, "by a person whose political connections and sentiments were in harmony with the party, which had opposed the measures of Washington." As Mr. Sparks does not name the person, we have concluded, on the whole, not to do so. He was a young man, and was guilty of a highly improper and senseless prank; but he acted without the knowledge of any one (unless perhaps of a person still younger and more thoughtless than himself)—regretted it as soon as done—and most bitterly regretted it when he learned that it had been seized upon to hang a suspicion on Mr. Jefferson. He never had any deep motive in the matter, and had General Washington put his inmost secrets into his possession, a second thought of the writer of the Langhorne letter would have rendered them sacredly safe.<sup>2</sup>

We should not have thought this topic worth the ink we have devoted to it, but as an illustration of that Charlottesville gossip, which belched out, at recurring intervals on Mr. Jefferson's personal reputation through his life, and which oozed over his grave, until it called out a decisive local expression of feeling which it will be our business hereafter to record, and which we believe no one in that region has thought it worth while publicly to brave. We should have consulted the feelings of Mr. Jefferson's family better by omitting all mention of the "malignant neighbor" who afterwards alternately cringed and bullied, and actually took to the newspapers to laud Jefferson<sup>3</sup> and to prove Jefferson's profound admiration for Washington<sup>4</sup> (thirty years after the Langhorne affair!) to parry the application, or neutralize the effect of the contemptuous sentence bestowed on him

<sup>1</sup> We are ashamed to spend time on these cobweb conspiracies. But the reader will bear in mind that they have been the subject of volumes of elaboration and corroboration by subsequent writers; and not an author who hates the founder of the Democratic party, and the author of the Virginia statute of religious freedom, now fails to rehash them with solemn gravity!

<sup>2</sup> For the entire of Washington's correspondence on this subject (so far as we have observed), see his Works, vol. xi. pp. 218, 220, 227, 289, 292, 501.

<sup>3</sup> See Richmond Enquirer, November 12th, 1830, for an article signed "A Friend to Mr. Jefferson's merits." This communication Mr. Nicholas gave to a gentleman (who he knew would communicate the facts to Mr. Jefferson's family) as his own, and he thus referred to it in a letter, the original of which is in our possession.

<sup>4</sup> See Richmond Enquirer of October 23d, 1835, for an article headed "Washington and Jefferson," and signed "John Nicholas."

in the Ana. But we hold it necessary to make occasional examples. And we were peculiarly well situated to do so in this instance, holding in our hands abundant evidences of "Clerk John's" character in his own handwriting and over his own proper signature.

No better occasion will present itself for declaring what were the real personal feelings of Jefferson towards Washington during the political hurricanes of the two years and a half that preceded the descent of the latter to the tomb. They came to differ very widely in politics. General Washington concurred in all the main measures of John Adams's Administration which were most fiercely opposed by the Republicans. Surrounded by false witnesses and designing informers, he wrote, and probably said, severe things of the Republican party and its leaders. His correspondence of the period abounds with these expressions. He objected, for example, in 1798, to giving commissions to Republicans in the provisional army, then forming, on the ground that whatever were their protestations of willingness to fight for their country, they could not be trusted.<sup>1</sup>

Jefferson was the chief of this distrusted party. The decisive struggle of 1800 was approaching, and he believed the Constitution hung in the scales. His blood was as red and warm as other men's; he was as ready as other men to stand by his cause and face its foes. He in a very few instances, principally to his own and Washington's late confidential friend, Madison, blames General Washington politically. In an instance or two his language is warm, but it is never outrageous. And the eye of friendship or enmity will look in vain through his most confidential writings, for a shadow of an imputation on Washington's integrity, or perfect purity of motives. Whatever he blamed in him he attributed to the effects of his being misled. There is we think no place where, altogether, he speaks so freely in respect to the causes of their differences, as in the introduction to the Ana, and there he declares emphatically that Washington "was true to the Republican charge confided to him." That person does not live, nor ever lived, who heard him utter a word of a different or disrespectful tenor.<sup>2</sup>

<sup>1</sup> We will quote or cite some of these expressions, when they are reached in the order of this narrative.

<sup>2</sup> This statement requires no corroboration, but the following sentence in a let

Mr. Jefferson's family heard him often speak of Washington during the last twenty years of his own life. They never in an instance knew him to utter, intimate, or acquiesce in by silence, a word that contained a vapor of disrespect towards Washington. On the other hand they heard him repeatedly—uniformly—speak of him in terms of profound and undivided respect. As Mr. Jefferson grew old and his memory began to dwell more on early than recent events, his expressions towards Washington became more affectionate.

One of Mr. Jefferson's family narrated to us the following incident. He said the circumstance made such a vivid impression on his mind that "he could now mention the precise spot where it occurred." It was but a few months before Mr. Jefferson's death. They had been riding together. The night had just fallen, and the stars were forth in that glory which they assume in the clear atmosphere of the Virginia mountains. Our informant had been reading an effort to heroize Washington by pignyzing all his great contemporaries—and it irritated him. On Washington's name being mentioned, he vented the feelings of the moment, in an expression implying that posterity would not be misled by this really selfish adulation. Mr. Jefferson's eye appeared to be resting on a constellation which hung blazing on the rim of the Blue Ridge. His voice took a tone which informed familiar ears that his feelings were deeply moved. Deliberately, and solemnly he replied: "Washington's fame will go on increasing until the brightest constellation in yonder heavens is called by his name."

The order of narrative now carries us back to the summer of 1797.

A letter to Col. Stuart of August 15th, conveying the Diploma of the American Philosophical Society, reminds us of a fact hitherto unmentioned—namely, that in the preceding January Mr. Jefferson had been elected President of that most honorable and useful Institution.

ter to us from Mr. Sparks (May 27th, 1856) will be read with satisfaction by some persons:

"You allude to Jefferson's opinions of Washington, and the manner in which he was accustomed to speak of him. I once passed two or three weeks with Lafayette at La Grange. During his last visit to the United States, he was at Monticello. I remember a conversation with him on this subject, in which he said that while he was there Mr. Jefferson uniformly spoke of Washington with the highest respect, and with strong expressions of personal regard."

A circumstance which strongly attracted the notice and disturbed the feelings of Mr. Jefferson at this period, was the following. A term of the United States District Court had opened at Richmond, May 22d. Judge Iredell converted a portion of his charge to the Grand Jury into a political harangue, and they, under such prompting, returned the following presentment :

"We, of the Grand Jury of the United States, for the District of Virginia, present as a real evil, the circular letters of several members of the late Congress, and particularly letters with the signature of Samuel J. Cabell, endeavoring, at a time of real public danger, to disseminate unfounded calumnies against the happy government of the United States, and thereby to separate the people therefrom, and increase or produce a foreign influence ruinous to the peace, happiness, and independence of the United States."

Here sounded the first note of the Sedition Law, and Jefferson understood the signal. He had remained silent on the topic during the extra session,<sup>1</sup> but had not failed to note the exultation with which it was received by the dominant party, and from that and other circumstances he anticipated the war on the State governments and on liberty of speech for which the Federalists were fast ripening.—He wrote Monroe, September 7th, explaining his fears, and making some suggestions. He thought the attempt on liberty of speech in Cabell's case ought to go before the Virginia House of Delegates, and that they ought to send it to the General Court: that it might not be amiss to consider how far a revised and modified law of *præmunire* should be revived, against "all citizens who attempted to carry their causes before any other than the State Courts, in cases where those other courts have no right to their cognizance."

Nothing of importance occurred in the history of Mr. Jefferson's home life and domestic pursuits, during this season. The

<sup>1</sup> We ought to have mentioned, however, when quoting his political letters, written after Mr. Adams's war message (as Jefferson considered it) at the extra session, that this most aggressive, and, to say the least of it, misjudged and improper assault on his representative and personal and political friend Cabell, and the manner in which information of that assault had been received in and about Congress, produced a very decided and painful effect on Jefferson's feelings. It satisfied him that the dominant party had resolved to throw away the scabbard. Now, such action in a federal Court, against a member of Congress for expressing his opinions in decent language to his constituents, would only be received with a hiss of derision throughout the Union. Then, it meant something, as the passage of the Sedition Law not long afterwards, and the action which took place under it, very forcibly demonstrated.

new portions of his house had been roofed in and mostly completed, before he left home to attend the extra session. The farm book presents nothing striking. A table of the actual rotations of crops on each field of the whole of his home estate (comprising Monticello, Tufton, Shadwell, Lego, etc.) shows that he had now got his system, in that particular, fully introduced. The roll of slaves included one hundred and twenty-two.



## CHAPTER VIII.

1797—1798.

Congress meet—Strength of Parties—Lull in Affairs—Adams's amusing Commentary on his Inaugural Speech—First Dispatches from France—President rampant—Fast-day—Congress on Fire—Spriggs's Resolutions—Two Letters from Jefferson to Epes—The XYZ Dispatches—The Result of our Extraordinary Embassy to France—Popular Excitement—Republicans suddenly reduced to a feeble Minority—War Measures rapidly pass Congress—Character of Gallatin, the Republican Leader of the House—Addresses and Answers—Jefferson against War, but declares if it takes place, "we must defend ourselves"—Hamilton complains of Unfortunateness of English Depredations at such a time—He urges on War Measures against France—Proposes a Political Tour to Washington under "pretence of Health"—Marshall's Return from France—President's Message—War Spirit bursts out anew—Legislation against "Interior Foes"—Time for Naturalization extended—The first Alien Law—Army raised—French Treaties annulled—Other War Measures—Second Alien Law—The Sedition Law—Lloyd's Bill—Hamilton's Views on these Bills—The Black Cockade—Who were the Foreigners against whom the Alien Laws were directed?—The number of French, English and Irish Alien Residents—The Circumstances which drove the latter to our Country—Attempt of the American Minister in England to prevent their Emigration—Society of "United Irishmen" in Philadelphia—Rights of Naturalized Citizens and Alien Residents—Political and Moral Character of the Irish Refugees—Mr. Jefferson's Letters to his Daughters—His Domestic Affairs, etc.—His Anticipation of an Attempt against him personally—His imputed Connection with Logan's Mission the pretext—His Letter to Archibald Hamilton Rowan—Invites him to Virginia, and promises him Protection against the Alien Laws—President Adams's Inconsistent Course in regard to those Laws—Doubts their Constitutionality, yet authorizes their enforcement—Pickering looking up Subjects—The Number of dangerous French and Irish Aliens discovered—The Sedition Law more effective—Lyon, a Member of Congress, fined and imprisoned—Petitioners for his Release found Guilty of Sedition, fined and imprisoned—Holt, Publisher of New London Bee, Thomas Cooper, and James T. Callendar, fined and imprisoned—Baldwin fined for "wishing"—Judge Peck arrested—Number of the Victims—The Aim of the Law as disclosed by the Decisions under it—The President appoints Officers of the New Army—Intrigue of Cabinet to place Hamilton over Knox and Pinckney—Pickering reveals one of the President's proposed Nominations to secure its Rejection—Turpitude of the Transaction—Proceedings of French Government after sending away Marshall and Pinckney—Talleyrand's Pacific Overtures—As he advances Gerry recedes—Their Correspondence—Gerry's Departure—Directory pass Decrees more favorable to the United States—Logan's Reception—Assurances sent to Mr. Adams by him—Lafayette's Assurances of Pacific Intentions of France—American Consuls and Private Residents in France send home similar Assurances—Talleyrand communicates such Assurances to American Minister at the Hague.

THE time fixed for the meeting of Congress was the 13th of November, but a quorum did not assemble until the 22d, owing

perhaps to the panic produced by the prevalence of yellow fever in Philadelphia—though the disease had terminated its ravages with the first frosts, and before the appointed day of assembling.

The Vice-President did not set out for the seat of Government until the evening of the 4th of December. He made his customary call on Mr. Madison<sup>1</sup> on the 6th, and reached Philadelphia on the 12th. Jacob Reed, of South Carolina, acted as President, *pro tempore*, of the Senate in his absence. Andrew Jackson took his seat, from Tennessee, this session. Jefferson wrote Madison, January 3d, that in the House of Representatives “the Republican interest had at present, on strong questions, a majority of about half a dozen, as was conjectured, and there were as many of their firmest men absent; not one of the anti-Republicans was from his post.” He subsequently informed the same correspondent that in the Senate the general division was twenty-two Federalists to ten Republicans. Nothing of particular importance occurred in either House of Congress for a considerable period. He wrote to his daughter:

TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, December 27th, 97.

We are here lounging our time away, doing nothing and having nothing to do. It gives me great regret to be passing my time so uselessly, when it could have been so importantly employed at home. I cannot but believe that we shall become ashamed of staying here, and go home in February or March at furthest. Nor are we relieved by the pleasures of society here; for, partly from bankruptcies, partly from party dissensions, society is torn up by the roots. I envy those who stay at home enjoying the society of their friendly neighbors, blessed with their firesides and employed in doing something every day which looks usefully to futurity.

I expect you will, of course, charge me, before my departure, with procuring you such articles of convenience here as you can best get here; I shall be sending home some things for myself in the spring. Tell Mr. Randolph I shall be glad from time to time to exchange meteorological diaries with him; that we may have a comparative view of the climates of this place and ours.

He records in the *Ana*, a dinner-table conversation with the President on the 15th of February, in which Mr. Adams talked considerably in his Davila strain about the proper tenure of senatorial bodies, the overshadowing importance of the Senate

<sup>1</sup> He uniformly called on Mr. Madison going to and returning from the seat of Government, when the latter was at his residence, Montpelier, Orange county.

in our Constitution, etc.<sup>1</sup> Mr. Jefferson thought his language served as a key to the "politics of the Senate," and "the bold line of conduct they pursued." If so, Mr. Adams was pampering assumptions of which he was soon to become the bitterest complainer.

The invasion of England by Bonaparte was now a topic of absorbing interest throughout the world; and there were few who did not more or less expect or dread it might be successful. On a former occasion, Mr. Jefferson sportively wrote a correspondent that he expected to dine with Pichegru in London before long.<sup>2</sup> When there was a supposed probability that England might be crushed or violently revolutionized, we have him thus expressing himself (February 23d) in a letter to Mr. Fitzhugh:

"The ensuing month will probably be the most eventful ever yet seen in modern Europe. It may probably be the season preferred for the projected invasion of England. It is indeed a game of chances. The sea which divides the combatants gives to fortune as well as to valor its share of influence on the enterprise. But all the chances are not on one side. The subjugation of England would be a general calamity. But happily it is impossible. Should it end in her being only republicanized, I know not on what principle a true republican of our country could lament it, whether he considers it as extending the blessings of a purer government to other portions of mankind, or strengthening the cause of liberty in our own country by the influence of that example. I do not indeed wish to see any nation have a form of government forced on them; but if it is to be done, I should rejoice at its being a free one."

In the same letter occurs a sentiment and a prediction, which if not at all novel coming from their author, embalm their substance in words worthy of preservation:

"I do not think it for the interest of the General Government itself, and still less of the Union at large, that the State governments should be so little respected as they have been. However, I dare say that in time all these as well as their central government, like the planets revolving round their common sun, acting and acted upon according to their respective weights and distances, will produce that beautiful equilibrium on which our Constitution is founded, and which I believe it will exhibit to the world in a degree of perfection, unexampled but in the planetary system itself. The enlightened statesman, therefore, will endeavor to preserve the

<sup>1</sup> This same conversation will be found contemporaneously described in a letter from Jefferson to Madison, Feb. 22d, 1798.

<sup>2</sup> This letter was to Giles, and dated April 27, 1795. The passage about dining with Pichegru, is one of those quoted by Judge Marshall to sustain the authenticity of the Mazzei letter! (Life of Washington, vol. ii., concluding note.) But to do Judge M. justice, he undoubtedly mistook the remark for a serious one.

weight and influence of every part, as too much given to any member of it would destroy the general equilibrium."

In the lull of suspense in our French relations, before the result of the new missions became known, the President's correspondence shows that he supposed France was anxious for peace with us; and that he as decidedly as Washington set his face against an English alliance.<sup>1</sup> But he was not allowed to get entirely cool. The following amusing commentary on his inaugural speech, is contained in a letter he wrote to Wolcott, October 27th (1797):

"What the session of Congress will produce I know not; but a torpor, a despondency, has seized all men in America as well as Europe. The system of terror, according to an Indian expression, has 'put petticoats on them.' The treachery of the common people against their own countries, the transports with which they seize the opportunity of indulging their envy, gratifying their revenge against all whom they have been in the habit of looking up to, at every hazard to their own countries, and in the end, at every expense of misery to themselves, has given a paralytic stroke to the wisdom and courage of nations."

On the 5th of March, President Adams sent a message to Congress, announcing the receipt of the first dispatches from the American Envoys in France. One of these, dated January 8th, was transmitted with the message, giving notice of a decree of the Directory making all vessels good prize having merchandise on board, the production of England or her colonies, to whoever it might then belong. The other dispatches were in cipher, and time was required to write them out. On the 13th, the President consulted his Cabinet on the propriety of submitting to Congress the whole of the communications of the envoys, and whether he ought in his message to recommend an immediate declaration of war.<sup>2</sup>

Jefferson wrote Madison on the 15th, that the decree of the Directory in regard to vessels had produced a great sensation among the merchants—but that on the whole it cooled them still more against allowing merchant ships to arm. He states, on the other hand, that the Representatives "do not cool;" but he still thinks the Republicans can carry the question against arming by a majority of four or five.

<sup>1</sup> See his Works, vol. viii. pp. 557, 559, 561, 562. It will be seen at the last named page, that he speaks about a revolution in England as a probable event.

<sup>2</sup> Adams's Works, vol. viii. p. 568. The answers of the Cabinet, so far as any were made, will be found appended.

On the 19th, the President sent another message, not communicating the French dispatches, but alluding to their tenor. He said that they had been "examined and maturely considered," and that although our Envoys' exertions for an adjustment of differences had been "sincere and unremitted," he felt it "incumbent on him to declare that he perceived no ground of expectation that the objects of their mission could be accomplished on terms compatible with the safety, honor, or the essential interests of the nation." He exhorted Congress to "promptitude, decision, and unanimity," in a proposed series of defensive and offensive preparations, which plainly pointed to war; and he declared that he no longer "conceived himself justifiable" in continuing a prohibition on the arming of our merchant vessels.

On the 23d of March, a national fast was appointed, to be held on the 9th of May ensuing.

Congress caught the flame. Jefferson wrote Madison<sup>1</sup> on the 21st, that the President's "insane message" had produced "exultation on one side and a certainty of victory—while the other was petrified with astonishment." He hoped there might be a majority of one against the war, but was doubtful. He proposed that, if the Republicans were found in the majority, they should renew the prohibition on the arming of merchant vessels, and then, to gain time, adjourn, avowedly "to go home and consult their constituents on the great crisis of American affairs now existing." He continued:

"We see a new instance of the inefficiency of constitutional guards. We had relied with great security on that provision, which requires two-thirds of the Legislature to declare war. But this is completely eluded by a majority's taking such measures as will be sure to produce war.

\* \* \* \* \*

"To return to the subject of war, it is quite impossible, when we consider all the existing circumstances, to find any reason in its favor resulting from views either of interest or honor, and plausible enough to impose even on the weakest mind; and especially, when it would be undertaken by a majority of one or two only. Whatever, then, be our stock of charity or liberality, we must resort to other views. And those so well known to have been entertained at Annapolis, and afterwards at the Grand Convention,<sup>2</sup> by a particular set of men, present themselves as those alone which can account for so extraordinary a degree of impetuosity. Perhaps, instead of what was then in contemplation, a separation of the Union, which

<sup>1</sup> We have omitted to mention that Madison retired from Congress at the opening of Mr. Adams's Administration—and Giles had also left it, broken down in health.

<sup>2</sup> That is at the Annapolis Convention in 1786 and the Federal Convention in 1787.

has been so much the topic to the eastward of late, may be the thing aimed at."<sup>1</sup>

We have here, in the assumption that it requires two-thirds of Congress to declare war, perhaps the most remarkable mistake of its kind to be found in Mr. Jefferson's writings. We can only account for it on the supposition of that absence of mind in which, particularly in moments of deep feeling, the thoughts are upon one thing while the hand and pen are upon another. The error would be detected on a second look; but letters often go away without being re-read by the writer.

In a letter to Mr. Madison, March 29th, he alluded favorably to the resolutions offered in the House by Mr. Sprigg, of Maryland, against war; for restoring the prohibition on merchant vessels' arming, but declaring that the seaboard ought to be fortified. This dexterous move to throw on the Federalists all the responsibility of offensive measures, by offering to go with them in defensive ones, says Jefferson, took that party by surprise; they first tried to parry, but then "came forward and boldly combated" the resolution against war. With the Executive, two-thirds of the Senate, and half of the House for war, he feared the other half of the latter would be borne down. He said the "question of war or peace depended on a toss of cross and pile." Here we have, if it were needed, distinct evidence that his previous mention of two-thirds being necessary for a declaration of war, was merely a slip of the pen—and that he had been unconscious of it, for he makes no allusion to it.

The two following (hitherto unpublished) letters continue the narrative of events, and of the writer's reflections on them:

TO JOHN W. EPPES, NEAR PETERSBURG.

PHILADELPHIA, April 11th, '98.

DEAR SIR:

My last letter from Maria was of March 20th, and from yourself of February 8th. The dates of my latest to Maria were of April 1st, March 7th, and to yourself of February 18th. You have seen in the papers the resolutions proposed by Mr. Sprigg, the first of which was that under existing circumstances it is not expedient to resort to war with France. It is very uncertain how this would have been decided, but the communication of the papers from our envoys by the President, of which I inclose you a copy, has altered the aspect of that resolution. You will see that in these communications some demands have been made of a large sum of

<sup>1</sup> This alludes to a series of articles recently published in the Hartford (Conn.) Courant, advocating a separation of the Union.

money from us as a mulct or satisfaction for the President's speech in May last. It was thought that were we now to resolve it is not expedient to resort to war, it might imply an acquiescence under their demand to purchase a peace. Therefore the resolution has been postponed. Still, however, the communications do not offer a single motive for going to war. There are, as you will see, some swindling propositions for a sum of £50,000 from certain unofficial characters which probably were meant for themselves alone, or for themselves and Talleyrand (whose character we have always known to be very corrupt), but there is not the smallest ground to believe the Directory knew anything of them. In the case of the Portuguese Minister, where similar propositions were made and acceded to by him, he was imprisoned by the Directory as soon as they knew it, as having attempted corruption. It is evident, on the whole, that the President's speech is the only obstacle to an amicable negotiation, that satisfaction being given them for this by disavowals, acknowledgments or money, they are willing to proceed to arrangements of our other differences, and even to settle and acknowledge themselves debtors for spoliations. The members of Congress had very generally fixed their minds on the last of this month for adjournment. These papers, however, seem to unfix their ideas in some degree. The peace party are of opinion they should agree to all reasonable measures of internal defence, but to nothing external. But I fear they are not strong enough to hold that ground. It is the opinion of many that we must absolutely resort to a land tax to meet the expenses of the war measures which the war party are endeavoring to force on us. Should this take place, we shall be greatly delayed here. We have a report from Boston yesterday that the frigate built there was sunk in the storm of the 3d instant, her port-holes having been left open. But it is not yet entirely credited.

I am anxious to hear that Maria's harpsichord has arrived safe; it went from here about the 22d or 23d of March, and should by the 8d of April have been in James River where the storm would not endanger it. My friendly salutations to Mr. and Mrs. Eppes and family, and tenderest love to Maria. Adieu, affectionately,

TH. JEFFERSON.

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TO JOHN W. EPPES.

PHILADELPHIA, May 6, '93.

DEAR SIR:

I wrote you last on the 11th of April, and the day after received yours of April 4th. I inclosed you at the same time the communications just then received from our envoys. Others are lately received, but, as far as made known to us, they contain only a long memorial given in by them, justifying all our complaints and repelling those of France. It takes up the subject from the time of Genet's coming, and comes down to the last orders, offering however no new arguments. They were still in Paris, as the mercantile information says, the 10th of March. The fermentation excited here by the publication of the dispatches, caught all the great trading towns, and is still kept up there and here by anonymous letters of French conspirators who are to burn the city, by newspaper declarations from Victor Hughes, etc., and such other artifices. War addresses pour in from the towns under these impressions, and from the country of New Jersey, a State which has always had peculiar politics. But the country in general seems not moved. They have abated of their admiration for the French, more or less in proportion as they confine their suspicions to the swindlers, or extend them to the ministers or even to



the Directory. The event of the elections of New York, favorable generally to the Whigs, shows the small effect these communications had on the people, who were called to their elections fresh from reading them. The near prospect of war, the stamp act coming into operation, the land tax now levying will produce serious and general reflection. However actual war may destroy the fruits of it. We now learn the effects of the President's speech of November on the French Legislature, which they had just got by the way of England, and conceived from it great anger. Whatever chance we might have had for their not declaring war lessens daily by the messages and answers to addresses which bid fair to carry irritation to a point beyond the possibility of bearing. Indeed some of the war members begin to avow that they are ready for declaring war themselves, and such is their majority that we begin to fear they intend it. Should this not be attempted, we have only two bills of consequence to pass. The one for a provisional army of 20,000 men (the expense six to eight millions of dollars a year), and the land tax, which is for two millions, but must still be augmented by whatever sum the provisional army may render necessary. It is generally believed these will be got through in two or three weeks, so that the time of adjournment is pretty generally spoken of as for the last of this month.

I do not yet venture to write for my horses. Whenever I do, I will at the same moment write to you, in hopes of meeting yourself and Maria at Monticello. I never was more home-sick or heart-sick. The life of this place is peculiarly hateful to me, and nothing but a sense of duty and respect to the public could keep me here a moment. I shall be disappointed, by the delay here, in my hope of going by the way of Eppington. Before I can get home, by the straightest road, we shall have begun our harvest. Express to Mr. and Mrs. Eppes my regrets on this subject, reserving my visit for another occasion. My most friendly salutations attend them and the family. All my love to my dear Maria and sincere affections to yourself. Adieu.

TH. JEFFERSON.

Letters, still warmer in tone, and giving more minute particulars, are contained in Mr. Jefferson's published correspondence.

The debate on Sprigg's resolutions had been interrupted (April 2d) by a resolution calling for the dispatches from our envoys. The President communicated them the next day. He however omitted the names of the three individuals (Hottingeur, Bellamy and Hauteval) who had figured in the official negotiations with our ministers, supplying their places with the letters XYZ. This gave the name of "the XYZ affair" to the transactions, in the conversation and correspondences of the day.

We have not limits to enter upon an account of the long series of minute circumstances mentioned in the American Minister's dispatches. Those desirous of investigating these facts would do well to consult official sources, as they have been the subjects of frequent and gross misrepresentation. It is sufficient for our purposes to say that our envoys, on reaching Paris, found



Talleyrand, lately an exile in the United States, and who there received the "cold shoulder" from our Government, in the position of Minister of Foreign Affairs. He sent permits to the envoys to remain, but alleged other engagements as a reason why he could not be seen for the present. These excuses multiplied as they successively became stale.

The envoys, on every glimpse of hope pressed forward—the Bishop of Autun still retreating, like a desert mirage of springs and gardens before the thirsty traveller. Meanwhile our Sir Guyons were beset by tempters! Hottingeur and Bellamy came on the scene, exhibiting not a scrap of official credentials, but talking, as if for the Minister, of loans to France, of stopping the captures of American vessels in that event, of explanations of the President's speech, of a *douceur* of £50,000 to somebody, of peace in case of compliance, and of war in the other event. Hauteval, who, we believe, never talked directly concerning the *douceur*, took Gerry to see Talleyrand in a private audience. Nothing followed but new shiftings of the objects in the diplomatic kaleidoscope. The envoys said that they would not stand for a little money, in the prospect of obtaining a peace, but they doughtily refused to yield up a cent until the French captures of American vessels should be ordered to cease. Till then they would not even consult their Government about a "loan."

Talleyrand, as through life, was slippery and intangible. Come where he appeared most distinctly to be, and, presto, he was not there! He would not even promise for the Directory if his terms were acceded to, but he would use his influence with them. X and Y continued to expatiate now on "war, horrid war," and now on all sorts of diplomatic propositions, until at last our ministers, utterly out of patience with the weary and disgusting farce, and satisfied that it would result in nothing, after one or two efforts shook themselves clear of their tormentors. Their unpardonable mistake was that they did not kick them out of doors, at the outset, or at the moment they made a proposition involving a dishonor.

How far the French Government was responsible for this abortive trickery we are not called upon to say. It is sufficient to say it wholly disavowed it. If governments can be made responsible officially for the quasi-negotiations of wholly unac-

credited agents, they can be made responsible for anything that scoundrelism chooses to devise.<sup>1</sup>

We think our envoys erred, though honestly erred, and they placed themselves at an unfortunate disadvantage, in conferring with these assumed agents. They gave Talleyrand, if the agents were his—and, probably, there is little doubt of that fact—an opportunity to sound them, and act on their answers, without their learning a purpose of the French Government, or obtaining an assurance for which the Government was in the least degree responsible. But a more serious error, there can be little question, lay in their sending home dispatches likely to kindle a war with a nation, at that epoch, twice or thrice more powerful than any other on earth, in respect to their injudicious quasi-negotiations with two or three obscure, private and unaccredited individuals. Or, perhaps, it would be more just to impute the blame to the Executive, for making such communications the basis of inflammatory messages, treating the propositions of Hottingeur and Bellamy as if the Directory were responsible for them, and throwing them out, like coals on stubble, to obtain a political victory in the House of Representatives.

When the XYZ dispatches were spread before the American public, fierce indignation burnt throughout the land. "We had been not only insulted," it was said, "but infamously degraded, by being asked absolutely to purchase a hearing from the French Government!" All considerations of prudence fell like dry grass in the track of the rushing prairie-fire. "Let us fight, if we are annihilated," was the cry that went up from the very heart of a gallant people! Party lines perished in a moment. The Republicans were instantly reduced to a more feeble minority throughout the nation than they had been any day before, since their first organization as a party. Some of the Republican members of the House of Representatives instantly

<sup>1</sup> The Emperor Napoleon seems to have entertained the idea that Hottingeur and Bellamy were agents of Talleyrand, and that one of the Directory (President Barras) was also art and part of the transaction. The remark quoted below was made by the exile of St. Helena, and when there were strong reasons why he may have desired to heap infamy on the party he named. Nor does he appear to have been at all familiar with the details of the transaction: for, according to our understanding of the facts, his main statement is erroneous, that giving up the loan from the United States to France, was to be the consideration of the bribe. His words were as follows:

"Certain intriguing agents, with which sort of instruments the office of Foreign relations was at that period abundantly supplied, insinuated that the demand of a loan would be desisted from, upon the advance of twelve hundred thousand francs, to be divided between the Director Barras and the Minister Talleyrand."

changed sides. Others abandoned their posts. Jefferson wrote to Madison, April 26th :

"Giles, Clopton, Cabell and Nicholas have gone, and Clay goes to-morrow. I received here news of the death of his wife. Parker has completely gone over to the war party. In this state of things they will carry what they please."

This was the same Colonel Parker who had taken such an extreme position against Jay's Treaty; and hopeless must have been the struggle when John Nicholas turned his back!

War measures—bills for preparing fleets, and armies, and armaments—rapidly passed Congress. Hints of alien and sedition laws became rife. The most obnoxious French residents, dreading some violent action, chartered a vessel and fled home. Among them was Constantine Francis Chassebœuf, Count de Volney, a man whose amiability, learning, talents, and unflinching truthfulness to the maxims of sound, temperate civil liberty would have given him an imperishable reputation among the wise and good,<sup>1</sup> had he not stained his fame by production of the rankest atheism, and allowed his prejudices in that direction to involve him in not only such absurd, but unscholarly positions, as a denial that Jesus Christ ever existed.<sup>2</sup>

Intimations were not wanting, among the inflamed and triphong Federalists, that even the Republican leader of the House, Gallatin, a naturalized citizen, should be reached by some law and driven out of the country. When others succumbed to the torrent of excitement, he neither yielded nor quitted his post. With as clear a logic as Madison's, he possessed nerves of a far more steel-like texture. He was neither passive

<sup>1</sup> When Bonaparte was raised to the Consulship, he was made a Senator; and it was thought would have been appointed second Consul but for the liberality of his political principles. These he maintained resolutely and consistently in the Senate. In 1801 he was made one of the Chamber of Peers—but remained incorruptibly steadfast in his views.

Lockhart gives a specimen of De Volney's bold outspokenness. When the final concordat between Napoleon and the Pope (September 18th, 1802) was under consideration, he says:

"The question was argued one evening at great length on the terrace of the garden of Bonaparte's favorite villa of Malmaison. The Chief Consul avowed himself to be a believer in Christianity, but said, in 'reestablishing the church, he consulted the will of a great majority of his people.' Volney, the celebrated traveller, was present. 'I speak of the majority of the people,' said he: 'if that is to be your rule, recall the Bonapartes to-morrow.' Napoleon never conversed with this bold infidel afterwards."—*Lockhart's Napoleon, Harper's edition*, vol. i. p. 206.

<sup>2</sup> He attempted to prove Christ a myth, ingeniously tracing the name from a sort of symbolic word in several earlier and oriental languages. He who would like to see a myth annihilated by a far abler and more learned linguist than De Volney, can find it done *secundum artem* by Priestley.

nor aggressive; no excitement reached him, no abuse for an instant disturbed his serene, cold, intellectual equanimity. If he had no more enthusiasm than a machine, he had no more fear, no wavering, nor tiringness than a machine. In victory or defeat, in a fair field or borne down by desperate odds, the light, trenchant, swift blade of this undaunted and consummate debater always taught foes to beware, and always made their victory dearly bought. For the precise position in which he was now placed—to cover the broken rout—to head the desperate charge of a handful of brave men—to despise the threats, and pass without notice the personal insults of an arrogant and violent majority—and to make as fresh a stand on every new question as if he came to flesh a maiden sword—it is probable that not another man existed in the nation who could have filled the place of Albert Gallatin.

Addresses rained upon the President from military, civic, and organized popular bodies, tendering their support to his measures; and he, not unfrequently, returned the most inflammatory answers. But the masses were still, it would appear, divided, at least in some places. We have a vivid picture of the scenes in Philadelphia, on the evening of the Fast Day, from Adams's own hand. We doubt not there is high exaggeration in the picture, but that of the physical spectacle cannot, perhaps, be relied on. Writing Mr. Jefferson, in 1813, on the subject of "Terrorism" in the United States, he said:

"I have no doubt you were fast asleep in philosophical tranquillity when ten thousand people, and perhaps many more, were parading the streets of Philadelphia on the evening of my *Fast Day*. When even Governor Mifflin himself thought it his duty to order a patrol of horse and foot to preserve the peace; when Market Street was as full as men could stand by one another, and even before my door; when some of my domestics, in frenzy, determined to sacrifice their lives in my defence; when all were ready to make a desperate sally among the multitude, and when the soldiers were with difficulty and danger dragged back by the others; when I myself considered it prudent and necessary to order chests of arms from the war office, to be brought through by lanes and back doors; determined to defend my house at the expense of my life, and the lives of the few, very few, domestics and friends within."

What think you of terrorism, Mr. Jefferson?"<sup>1</sup>

Jefferson wrote James Lewis, Jr., May 9th, and the last three sentences are entitled to special notice:

Adams's Works, vol. ix. p. 279; and Jefferson's Works, Congress edition, vol. vi.

"Party passions are indeed high. Nobody has more reason to know it than myself. I receive daily bitter proofs of it from people who never saw me, nor know anything of me but through Porcupine and Fenno. At this moment all the passions are boiling over, and one who keeps himself cool and clear of the contagion, is so far below the point of ordinary conversation, that he finds himself insulated in every society. However, the fever will not last. War, land tax and stamp tax, are sedatives which must cool its ardor. They will bring on reflection, and that, with information, is all which our countrymen need, to bring themselves and their affairs to rights. They are essentially republicans. They retain unadulterated the principles of '76, and those who are conscious of no change in themselves have nothing to fear in the long run. It is our duty still to endeavor to avoid war; but if it shall actually take place, no matter by whom brought on, we must defend ourselves. If our house be on fire, without inquiring whether it was fired from within or without, we must try to extinguish it. In that, I have no doubt, we shall act as one man."

As the relations between France and the United States daily grew more threatening, it becomes interesting to know what attitude was assumed towards the latter by England. Hamilton wrote King, our Minister at London, a little after the middle of May,<sup>1</sup> that "in Congress a good spirit was gaining ground, and that, though measures marched slowly, there was reason to expect that almost everything which the exigency required would be done," and he added:

"In the community, indignation against the French Government, and a firm resolution to support our own, discover themselves daily by unequivocal symptoms. The appearances are thus far highly consoling.

"But in this posture of things, how unfortunate it is that the new instructions offered by Great Britain, which appear, according to the reports of the day, to be giving rise to many abusive captures of our vessels, are likely to produce a counter-current, and to distract the public dissatisfaction between two powers, who, it will be said, are equally disposed to plunder and oppress. In vain it will be urged that the British Government cannot be so absurd as at such a juncture to intend us injury. The effects will alone be considered, and they will make the worst possible impression. By what fatality has the British Cabinet been led to spring any new mine, by new regulations, at such a crisis of affairs. What can be gained to counteract the mischievous tendency of abuses? Why are weapons to be furnished to our Jacobins?

"It seems the captured vessels are carried to the Mole, where there is a virtuous judge of the name of Cambauld, disposed to give sanction to plunder in every shape! Events are not yet sufficiently unfolded to enable us to judge of the extent of the mischief, but nothing can be more unlucky than that the door has been opened. The recency of the thing may prevent your hearing anything about it from the Government by this opportunity."

<sup>1</sup> The day of the month is not given in the letter, but it is arranged between letters dated May 17th and 19th, in Hamilton's Works, vol. vi. p. 287.



He wrote to the same, June 6, 1798:

"How vexatious that at such a juncture there should be officers of Great Britain, who, actuated by a spirit of plunder, are doing the most violent things, calculated to check the proper amount of popular feeling and to furnish weapons to the enemies of government. Cambauld at the Mole is acting a part quite as bad as the Directory and their instruments. I have seen several of his condemnations. They are wanton beyond measure. \* \* \*

"It is unlucky, too, that Cochrane of the Thetis appears to be doing some ill things. The Southern papers announce a number of captures lately made by him, and in some instances, if they say true, on very frivolous pretexts. \* \* \*

"There seems a fatality in all this. It cannot be doubted that the British Cabinet must at this time desire to conciliate this country. It is to be hoped they will not want vigor to do it with effect, by punishing those who contravene the object."<sup>1</sup>

The war spirit in Congress, and in the nation, had received its greatest impetus from an industriously circulated and apparently widely credited report that France was meditating, if not actually preparing for, an invasion of the United States. This report was really an absurd one on its face, and it would seem impossible that it could have been credited by any man capable of weighing the most obvious considerations likely to control the decision of such a question. Washington did not believe it, and John Adams, before our war preparations were completed, treated it with ridicule.<sup>2</sup>

A few months earlier we have seen Hamilton the earnest advocate of peace—the strenuous supporter of sending for that object a mission to France, which should contain the name of Jefferson or Madison. Now, on the contrary, he was the strenuous advocate of the most extensive war preparations—of far more extensive preparations, indeed, than even this inflammable Congress could be induced to sanction. His wishes, clothed in language which sounded much like that of command, will be found formally and methodically stated under numbered heads of letters to the Secretary of State and Secretary of the Treasury (March 17th and June 5th).<sup>3</sup> Though his wishes were far short of, in increasing the army and navy, and in raising a provisional army, a comparison of his letters with what

<sup>1</sup> Hamilton's Works, vol. vi. p. 298.

<sup>2</sup> Washington to Hamilton, May 27th (in answer to the already quoted letter of 19th).  
<sup>3</sup> Hamilton's Works, vol. vi. p. 291. We shall quote John Adams's declarations on the subject by and by.

<sup>4</sup> Hamilton's Works, vol. vi. pp. 269, 294.

was done will show that the former furnished the programme of the Federalists in Congress. His contemporaneous correspondence also discloses the fact that his adherents in the Cabinet consulted him on every important question.

He wrote to General Washington, May 19th, suggesting that "under some pretence of health, etc.," he "make a circuit through Virginia and North Carolina," to "call forth addresses, public dinners, etc., which would give an opportunity of expressing sentiments in answers, toasts, etc., which would throw the weight of his character into the scale of the Government, and revive an enthusiasm for his person, that might be turned into the right channel."<sup>1</sup> This was very modestly and cautiously proposed, but it did not draw out any gleam of willingness on Washington's part to put his popularity to such uses. It was in this reply that he said "that he could not make up his mind yet for the expectation of open war, or in other words, for a formidable invasion by France. He could not believe, although he thought them capable of anything bad, that they would attempt to *do more than they had done*," and when they discovered they had falsely calculated upon the support of a large part of the American people, "*they would desist even from those practices.*"<sup>2</sup>

Marshall returned from France in June. Himself and Pinckney had been ordered out of that country, but Gerry required to remain on the (inofficial) threat of Talleyrand, that his departure would be followed by a declaration of war. Gerry had written home requesting his recall. Marshall landed at New York, where Jefferson wrote Madison he no doubt would receive "more than hints from Hamilton as to the tone required to be assumed." He said that (Edward) Livingston came on with Marshall from New York, and that "Marshall told him they had no idea in France of a war with us." He added:

"Marshall was received here with the utmost *éclat*. The Secretary of State and many carriages, with all the city cavalry, went to Frankfort to meet him, and on his arrival here in the evening, the bells rung till late in the night, and immense crowds were collected to see and make part of the show, which was circuitously paraded through the streets before he was set down at the City Tavern. All this was to secure him to their views, that he might say nothing which would oppose the game they have been playing. Since his arrival I can hear of nothing directly

<sup>1</sup> Hamilton's Works, vol. vi. p. 289.

<sup>2</sup> *Ib.* p. 291. Washington's Works, vol. xi. p. 235.

from him, while they are disseminating through the town things, as from him, diametrically opposite to what he said to Livingston.

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"Doctor Logan, about a fortnight ago, sailed for Hamburg. Though for a few months past he had been intending to go to Europe as soon as he could get money enough to carry him there, yet when he had accomplished this, and fixed a time for going, he very unwisely made a mystery of it; so that his disappearance without notice excited conversation. This was seized by the war hawks, and given out as a secret mission from the Jacobins here to solicit an army from France, to instruct them as to their landing, etc. This extravagance produced a real panic among the citizens; and happening just when Bache published Talleyrand's letter, in the *Register*, on the 18th, gravely announced to the House of Representatives, that there existed a traitorous correspondence between the Jacobins here and the French Directory; that he had got hold of some threads and clues of it, and would soon be able to develop the whole. This increased the alarm; their libelists immediately set to work, directly and indirectly, to implicate whom they pleased. Porcupine gave me a principal share in it, as I am told, for I never read his papers."

Mr. Adams sent a message to Congress June 21st, closing thus:

"I presume that before this time he [Gerry] has received fresh instructions, a copy of which [a peremptory letter of recall, etc.] accompanies this message, to consent to no loans; and therefore the negotiation may be considered as closed. I will never send another minister to France without assurances that he will be received, respected, and honored, as the representative of a great, free, powerful, and independent nation."

The war spirit burst out anew in Congress. The President had been already authorized to increase the navy considerably: 'to expend \$250,000 for harbor fortifications; to purchase \$300,000 worth of arms and ammunition; to enlist a provisional army of ten thousand troops for three years, in the event of a declaration of war or imminent danger (in the President's opinion) from an invasion; to order our navy to seize and bring into port any armed vessel which had attacked American vessels, "or which should be found hovering on the coast of the United States, for the purpose of committing depredations on the vessels belonging to citizens thereof;" and to suspend commercial intercourse between the United States and France and its dependencies.

The next day after receiving the President's message (June 22d), Congress authorized him to officer and arm the provisional

<sup>a</sup> The new Executive department, entitled "the Department of the Navy," was established April 30th.



army. On the 25th, it authorized our merchant vessels forcibly to resist "any search, restraint, or seizure," from any vessel sailing under French colors, to capture the latter, and make recaptures. On the 28th, the President was authorized to treat persons taken on board captured vessels as prisoners. On the 6th of July, it was enacted that thirty thousand stands of arms be obtained and sold to the State governments. On the 7th, the treaties between the United States and France were declared annulled.<sup>1</sup> On the 9th, the President was authorized to direct our navy to capture any armed vessels of France, and to grant commissions to privateers to do the same. On the 11th, he was authorized to raise a marine corps. On the 14th a direct tax of two millions was imposed to meet expenses. On the 16th, the President was empowered to raise twelve regiments of infantry and six troops of light dragoons, and officer them; to borrow five millions of dollars for the public service; and to borrow two millions more of the Bank of the United States, on the credit of the direct tax.

Legislation against "interior foes" was made to keep pace with the preceding. On the 18th of June the term of residence requisite to naturalization was extended to fourteen years and five years previous declaration of intention and residence in the State made necessary. All aliens were required to report themselves and be registered by the clerks of the district courts, under a specific penalty in money and under penalty of being compelled to give surety of the peace and good behavior at the discretion of a magistrate; and registry was made the only proof of residence (for emigrants coming into the country after the passage of the act) for the purposes of naturalization. Natives or subjects of countries with which the United States were at war could not be naturalized.

On the 25th of June it was made lawful for the President to order "all such aliens as he should judge dangerous to the peace and safety of the United States," to depart therefrom "within such time as should be expressed in such order;" and if the person ordered to depart was afterwards found in the country, he could be imprisoned three years. The President

<sup>1</sup> This measure was hailed with enthusiastic delight by the Federalists in many quarters. Those of Boston afterwards, for some years, observed the day of the repeal as an anniversary of what was termed among them "the Second Declaration of Independence."

might order any alien to be forcibly removed out of the country, and on a voluntary return to be imprisoned at his (the President's) discretion. Masters of vessels, bringing any aliens into the country and failing to report the fact immediately to the collector of the port in writing, specifying names, ages, places of nativity, occupations, and "a description of their persons," were to forfeit three hundred dollars. The collector was required forthwith to transmit these returns to the State department.

On the 6th of July an act was passed that in case of war, or an invasion, or "predatory incursion" made or "threatened," all natives or subjects of the hostile power in the United States "not actually naturalized," should be liable to be secured, removed, or required to give security for good behavior at the discretion of the President and on his proclamation, except that those not "chargeable with actual hostility or other crime against the public safety," should be allowed the time to dispose of their goods stipulated by treaty! The several courts of the United States were authorized, on complaint, to apprehend aliens who continued in the country "contrary to the tenor or intent" of the President's proclamation, "or other regulations" which the President established "in the premises," and cause them to be removed from the country, to give sureties, or be otherwise "restrained," etc.

These were the famous "Alien Laws" of John Adams's administration. But it required the "Sedition Law" to reach native born Republicans.

On the 14th of July it was enacted that if any persons unlawfully conspired to oppose "any measure" of the United States, to prevent any public officer from executing his trust, or advised or attempted "to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt should have the proposed effect or not," they should be deemed guilty of a high misdemeanor, and on conviction punished by a fine not exceeding \$5,000, and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court, might be holden to find sureties for good behavior

1 The war in prospect was against France. Our "treaties" with her were the next day annulled!

in such sum, and for such time as the court might direct. The second section of the act we will present entire as a legal curiosity :

"Sec. 2. *And be it further enacted*, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

The penalties of this act could be readily adjudged to extend to any pithily written or spoken animadversion on the political measures of Government; and we soon shall see whether any of the powers with which it armed the latter were left dormant in practice.

Some of the dominant party in Congress appear to have been inflamed to the verge of insanity, at this period, by wild tales trumpeted through the newspapers, of threatened French invasions, of "the Cannibal's Progress,"<sup>1</sup> of "united Irishmen," and of conspiracies between the Republicans and French to overthrow our Government, which Quaker Logan had gone to France to mature and set in operation.

On the 26th of June, Lloyd of Maryland had obtained leave to bring into the Senate "a bill to define more particularly the crime of treason and punish the crime of sedition." It immediately passed to a second reading by a vote of fourteen to eight.<sup>2</sup> This bill (subsequently amended) declared the people

<sup>1</sup> "The Cannibal's Progress, or the dreadful Horrors of French Invasion, as displayed by the Republican Officers and Soldiers, in their Perfidy, Rapacity, Ferociousness, and Brutality, exercised towards the innocent Inhabitants of Germany, Abridged from the translation of Anthony Aufrere, Esq.," appeared in *Porcupine's* (Cobbet's) *Gazette*. June, 1798.

<sup>2</sup> The ayes were Chipman, of Vt.; Foster, of R. I.; Goodhue, of Mass.; Hillhouse,

of France to be enemies of the United States and adherence to them or giving them aid and comfort, punishable with death. It provided for punishing by fine and imprisonment all who by writing or speaking should attempt to justify the hostile conduct of the French, or should utter anything tending to induce a belief that the Government of the United States or any of its officers were influenced by motives hostile to the Constitution, or to the liberties or happiness of the people.

It was on seeing this bill, that Hamilton wrote Wolcott (June 29th), "Let us not establish a tyranny." He signified in the same letter that there were provisions in the bill which might endanger civil war;" and he said, "if we make no false step, we shall be essentially united—but if we push things to an extreme, we shall then give to faction body and solidity."

The first expression has been much quoted, and taken by itself has led to the inference that Hamilton disapproved of even of those excesses of his party at this period which passed into the form of laws. So far from this, Mr. Adams imputed to him the origination of the Alien Laws. We shall find Hamilton distinctly approving of both them and the Sedition Law, and bitterly complaining that they were not more rigorously executed. Out of the seething vortex of the capital, he was not insane enough to push on measures which would lead to a "civil war," for which no preparations were made.

We have omitted to mention a circumstance which furnished a famous party *sobriquet*. On the 8th of May, a great procession of the Young Men of Philadelphia had waited on the President to present one of the party addresses of the times. Some French Minister—Adet, we think—had directed Frenchmen in the United States who continued to claim to be subjects and under the protection of their native country, to distinguish themselves by wearing green cockades. The Federal young men, tauntingly to proclaim that they were not Frenchmen, on the occasion referred to, mounted black cockades. This was the

Conn.; Howard, of Md.; Latimer, of Del.; Lawrence, of N. Y.; Lloyd, of Md.; North, N. Y.; Paine, of Vt.; Read, of S. C.; Sedgwick, of Mass.; Stockton, of N. J.; and Macy, of Conn.

The nays were Anderson, of Tenn.; Bingham, of Pa.; Brown, of Ky.; Langdon, of N. H.; Livermore, of N. H.; Martin, of N. C.; Mason, of Va.; and Tazewell, of Va. Bingham's vote on this occasion was exceptional. He voted, we think, for all the other strong measures of his party.

<sup>1</sup> Hamilton's Works, vol. vi. p. 307.

color of the Revolution; but unfortunately for the wearers, it was also that of England! This gave their opponents an admirable opportunity for turning the tables on them, by saying that they had imitated the French residents in proclaiming their transatlantic partialities; and a "black cockade Federalist" thenceforth became an epithet of especial derision and reproach among the Republicans for half a century.

It is a matter both of curiosity and justice, now, to ask who and what were those aliens whom the President was authorized to banish, imprison, or require sureties of at his pleasure.

The French aliens in our country were but a handful, and most of those who had ever attracted any notice politically, had fled from apprehended severities, before the passage of the Alien Laws.

The English were more numerous, but they were generally adherents of the Administration, and, indeed, most of them, like Cobbet, were the warmest supporters of all its excesses and its strides towards monarchical power.

The Irish unnaturalized emigrants exceeded all the others taken together. The reasons for this, and their political character, must be understood to catch the true tone and meaning of our domestic factions at this remarkable epoch.

Two parties in Ireland had been in opposition to the English Government; one seeking an equality with their Protestant fellow citizens in religious matters,<sup>1</sup> the other, an independent nationality. A family intrigue had recalled from that devoted country a liberal and popular Viceroy (Earl Fitzwilliam) and filled his place with a harsh and unrelenting tyrant (Lord Camden). The long brimming cup of national wrongs and national endurance then overflowed. Then, in the language of the eloquent and Protestant Grattan, "two desperate parties were in arms against the Constitution. On one side there was the camp of the rebel; and on the other the camp of the Minister, a greater traitor than that rebel; and the treason of the Minister against the people was infinitely worse than the rebellion of the people against the Minister!" The brutalities of the "Peep-of-day-Boys" provoked the counter ones of the "Defenders,"

<sup>1</sup> The "Irish Act" of 1793 was considered a miracle of liberality. It only excluded the Catholics from about thirty of the most important public places, and wholly from seats in Parliament!

and civil war soon raged throughout the land. The friends of emancipation sent Fitzgerald and O'Connor to ask aid from France, in imitation of the American colonies in 1776.<sup>1</sup> Nothing but the winds and waves prevented Hoche from debarking with an army of 15,000 men to aid them; and if we may believe as warm a sympathizer as the British Government had on the occasion, Mr. King, the American Minister, there can be but little question that the debarkation would have certainly resulted in the severance of the British Monarchy.<sup>2</sup>

When this crisis of danger passed, the Government, instead of resorting to soothing measures, as recommended by the gallant Ponsonby, passed the Insurrection Act. The suspension of the habeas corpus, and the proclamation of martial law followed. It was the deliberate policy of the Government now, when all things were prepared, to force the malcontents into a general insurrection, for the purpose of ending, by extermination, all future chance for dangerous opposition. The result is well known. The rage of Attila, and of other barbarous chiefs, in the hoof-marks of whose war horses it was fabled the green grass never sprouted again, was "mercy to that new conquest." Humanity shudders and turns away sick with loathing at the details of the atrocities inflicted by licentious and wholly brutalized wretches who were stimulated to do their worst on the miserable inhabitants.<sup>3</sup> In the mere lighter evil of death, the mere statistics of physical carnage, the result of this insurrection was, says Taylor, the fall of about twenty thousand Royalists and about fifty thousand insurgents.

When the last vestiges of the insurrection were eradicated

<sup>1</sup> Nothing can be more gratuitously and basely false than the pretence that Ireland offered in the least degree to sacrifice her independence to France. Theobald Wolfe Tone's assertion that the Irish envoys only stipulated for the aid of 15,000 French, cannot be disproved.

<sup>2</sup> In 1798, when the sword, and gallows, and starvation, and torture had done their work, King wrote Hamilton:

"In almost every instance, the insurgents have been dispersed and killed, and the quarter round Dublin is now nearly restored to the King's peace. Still, however, if a moderate French force, with a supply of arms, could now be thrown into Ireland, the issue would be dubious, so deep and general is the desertion."—*Hamilton's Works*, vol. p. 297.

<sup>3</sup> Specimens of these atrocities will be found by those who have stomach to peruse them in Taylor's History of Ireland. Speaking in general of the result, that writer says:

"The utter demoralization of a great proportion of the triumphant party, was the worst consequence of this lamentable struggle. Men learned to take an infernal delight in the tortures and sufferings of their fellow-creatures. Revenge, bigotry, and all the dark passions that combine with both, were permitted to have full sway. Perjury, and perjury, and licentious crime, committed with impunity, destroyed every virtue, and every moral obligation."—*History of Ireland*, vol. ii. chap. xxii.



—when the Government had become gorged and satiated in its vengeance—a negotiation was opened between certain of the Irish state prisoners and the Irish ministers for an amnesty. The former, hopeless of any further effort for their country, offered to go into exile. “The offer,” said Thomas Addis Emmet afterwards, “was accepted, the blood system was stopped for a time, and was not renewed until after” the interference of the American minister, Mr. King.<sup>1</sup> The exiles had made choice of America as their place of refuge. The American Minister remonstrated against this arrangement, and it was broken up.<sup>2</sup> To do Mr. King justice, we are not aware that his feelings and views on this point were at all peculiar, or different from those entertained by the other leaders of his party.

It was discovered in 1798 that the Irish fugitives in Philadelphia had formed an association of “United Irishmen.” It comprised scarcely a sprinkling of the population of that city. It neither publicly nor privately avowed any disaffection to our Government.<sup>3</sup> The very idea of this little handful of foreigners

<sup>1</sup> This interference is avowed, and as it seems to us somewhat boastfully, in a letter from King to Hamilton, Nov. 9, 1798. (See Hamilton's Works, vol. vi. p. 375.)

<sup>2</sup> In 1807, Thomas Addis Emmet, then a citizen of the State of New York, charged Mr. King, directly and openly, with this action. Among other things, he said:

“Your interference was then, sir, made the pretext of detaining us for four years in custody [in Fort George, in Scotland], by which very extensive and useful plans of settlement within these States were broken up. The misfortunes which you brought upon the objects of your persecution were incalculable. Almost all of us wasted four of the best years of our lives in prison. As to me, I should have brought along with me my father and his family, including a brother [Robert Emmet], whose name, perhaps, will you even not read without emotions of sympathy and respect. Others nearly connected with me would have come partners in my emigration. But all of them have been torn from me. I have been prevented from saving a brother, from receiving the dying blessings of a father, mother and sister, and from soothing their last agonies by my cares; and this, sir, by your unwarrantable and unfeeling interference.”

Mr. King's ground of objection to the emigration to America of such men as Thomas Addis Emmet, Dr. McNeven, Mr. O'Connor, and a number of other gentlemen equally respectable, even if not equally conspicuous, was purely political—was that “a large proportion of the emigrants from Ireland, and especially in the middle States, had, on this occasion [written in 1799], arrayed themselves on the side of the malcontents” (the Republican party!)—was that the Irish emigrants in the United States were capable of being brought generally to enlist in “mischievous combinations against our Government.” (See letter from Rufus King to Mr. Henry Jackson, one of the Irish State prisoners, dated Brighton, England, Aug. 23, 1799; and Thomas Addis Emmet to Rufus King, dated New York, April 9, 1807.)

Hints from King to Hamilton against admitting the fugitives of the Irish insurrection into the United States, are several times repeated. He wrote the latter, July 31, 1798:

“In Ireland the rebellion is suppressed, and our Government will, I hope, have the power and the inclination to exclude those disaffected characters, who will be suffered to seek an asylum amongst us.”—*Hamilton's Works*, vol. vi. p. 316.

Three or four months afterwards (November 9th), King wrote Hamilton:

“You will see that I have prevented the sending to you of about fifty Irish State prisoners, who were at the head of the rebellion in Ireland, and closely connected with the Directory at Paris.”—*Id.* vol. vi. p. 375.

<sup>3</sup> Cobbet, proclaiming himself a Royalist (vide Porcupine's Works, vol. ix. p. 388), and constantly and furiously stigmatizing the Irish refugees as traitors to the United States, published in May, 1798, under the caption of “Detection of a Conspiracy formed

entering into plots against our institutions has, now that the wild passions and prejudices of that day have passed away, but to be named to have its pure absurdity strike every sensible person.

Our laws admitted these men to our country, and, on certain terms, to citizenship. If they complied with the terms, they became as much citizens as those born on the soil. Neither Witherspoon, Montgomery, Gates, Streuben, Hamilton, Gallatin, or some other signers of the Declaration of Independence, generals and statesmen, who were emigrants to our country, held their right to think, or speak, or act politically, at all abridged by the circumstance that they were foreigners by birth. And the alien with his naturalization not yet completed, was equally entitled to all the privileges which our laws and the nature of our free institutions conferred on him. If he committed a crime he was punishable. If he committed any indecorum by the heat of his partisanship he thus but disgusted men with himself and his side instead of obtaining any improper influence for either. And whatever he did politically, a body of men who in 1798 were not probably a quarter as numerous as the native-born revolutionary "Tories," who were voters in our country—nay, probably were not more numerous than the returned Tory refugees—were not formidable enough to be made the subjects of that miserable and odious penal legislation which subjects men punishment without trial. Nor were they numerous or formidable enough to give any color of excuse for that panic which was the parent or the cover of this tyrannical legislation.

But in reality the Irish exiles committed no political excesses in our country. Their association as United Irishmen had nothing to do with American parties. Nor had they, as a body,

the United Irishmen, with the evident intention of aiding the Tyrants of France in overthrowing the Government of the United States of America. "what purported to be the Declaration and Constitution of the American Society of United Irishmen," formed in Philadelphia in 1797. It is probably an authentic document. If a fabrication to create a prejudice against the society, it certainly would not understate anything publicly leveled against it. Cobbet thought that even printing the instrument for the society amounted to treason! It will now be found in Porcupine's Works, vol. viii. p. 202, seq., garnished with paragraphs of italics and capitals, and interpolated with fierce and inflammatory commentaries in brackets. The society was a secret one, but otherwise a perusal of the Constitution will show that it did not differ in its aims, or means of accomplishing them, from perhaps fifty later organizations. It would now attract no notice from the Government; and that man would be thought out of his senses, who could discover any evidences of treason, or conspiracy, or anything looking towards an attempt of kind whatsoever against our Government. Its length prevents its insertion here.

And who in a body voted opposite to the Irish emigrants.



committed any prior and foreign political excesses which should deprive them of the confidence of good men anywhere, unless the rebellion of the American colonies against George III., a little more than twenty years earlier, was such an excess. Their only sin in this particular was that they professed the same political sentiments with the Republican party. The sufferers under monarchical and aristocratic systems they naturally leaned to democracy—as naturally as did the Tory and returned refugee to an opposite system. Nor were they men whom society was called upon to guard against as moral malefactors. Not one of that band of exiles stood charged with having committed any crime but rebelling against oppression, and seeking the aid of a foreign country to establish their independence against England. Herein, in respect both to the power rebelled against and that applied to for aid, they but followed the example of the nation whose government was now attempting to drive them back to their former thralldom, or, practically, out of the protection of nations. The pretence that they had sought to sell themselves to France, was the same made against our fathers by the British commissioners in 1778 (Carlisle, Eden and Johnstone), when they converted a war, hitherto one of barbarity, into one of unrestrained ferocity—avowing that if our country was “to become an accession to France” the laws of self preservation would “direct” England “to render that accession of as little avail to her as possible.”<sup>1</sup> The reasoning in both cases was the same, the proof the same.

So far from the Irish Exiles who fled to our country at that period being moral malefactors; so far from their being debased, ignorant, or violent men, no country ever sent to another an emigration which, in proportion to its numbers, comprised more virtue, more intelligence, or more talent. The names of Emmet,<sup>2</sup> O'Connor, Macnevin, Samson, and several others but a little less conspicuous, who lived and died amongst us, yet survive in our

<sup>1</sup> See vol. i. p. 241.

<sup>2</sup> Thomas Addis Emmet became Attorney-General of the State of New York, and his conspicuous monument in St. Paul's Churchyard, in the metropolis of that State, cover the remains of an American naturalized citizen, who was as much admired for his talents and loved for his virtues, as any native citizen. Montgomery sleeps in the same enclosure. Two other foreign-born citizens, Hamilton and Gallatin, lie hard-by under walls of Trinity. We have heard from the lips of several eminent men, most vivid descriptions of Emmet's splendid powers and imposing bearing. The impressions he created are well described by Theodore S. Fay, in his *Dreams and Reveries of a Quiet Man* (vol. i. p. 90), and in some lines by the unfortunate poet Clason, given in the *Messrs. Duyckinck's Cyclopædia of American Literature* (vol. ii. p. 284).

nnals to disprove the miserable calumny that the Irish rebels of 1798 who fled to this country were, in any sense of the word, miscreants, or men dangerous to our order or institutions. Others returned from this country to Europe, as honorably distinguished as those we have named. The commonest men in that emigration generally proved themselves virtuous and ordering citizens—and the only regret which should now rest on the minds of liberal Americans, in regard to this whole affair, is that our country did not prove an asylum to more of these martyrs in the cause of Freedom—that Robert Emmet, Fitzgerald, and others, had not also escaped the scaffold and reached our shores.<sup>1</sup>

<sup>1</sup> The spirit of the times among the Federalists, in regard to the Irish exiles, was well detected (in 1798) by one of the most pungent of their partisan poetasters, Dr. Hopkins, Connecticut:

"Like Hessian flies, imported o'er,  
Clubs self-create infest our shore.  
And see yonder Western rebel band,  
A medley mix'd from every land;  
Scotch, Irish, renegadoes rude,  
From faction's dregs fermenting brewed;  
Misguided tools of anti-Feds,  
With clubs anarchical for your heads," etc. etc.

The Republicans appear to have been under the impression that there were other exiles in our midst (having nothing to fear from our Alien laws!), who would constitute a desirable body of citizens than the Irish exiles. And Freneau's rattling fire was not silent. Hear him on Cobbet:

"Philadelphians, we're sorry you suffer by fevers,  
Or suffer such scullions to be your decalvers;  
Will Pitt's noisy whelp,  
With his red foxy scalp,  
Whom the kennels of London spewed out in a fright,  
Has skulked over here,  
To snuffle and sneer,  
Like a puppy to snap or a bull-dog to bite.  
"If cut from the gallows, or kicked from the post,  
Such fellows as these are of England the boast,  
But Columbia's disgrace!  
Begone from that place,  
That was dignified once by a Franklin and Penn,  
But infested by you  
And your damnable crew,  
Will soon be deserted by all honest men."

We cull these specimens of partisan poetastering from Duyckinck's Cyclopædia of American Literature, which has reached our hands only as these sheets are well advanced through the press (September, 1857). This Cyclopædia, by the by, does manifold justice to Philip Freneau. It records, on the authority of the late Henry Brevort, Esq., of New York, who visited Sir Walter Scott, that the latter spoke with warm admiration of Freneau's verses on the battle of Eutaw, and had committed them to memory from a magazine. In introduction of the third Canto of Marmion, almost literally transfers a striking line, in that poem. Campbell borrows a fine line from Freneau's "Indian Burying Ground," which is "O'Connor's Child."

The Messrs. Duyckinck do justice as manfully to Freneau's personal character, his tastes, his social associations, etc., as to his talents. It is gratifying to observe that a new era appears to be dawning in our literature—that the bitter obloquy which was so long heaped on the reputation of this man and that, to supply material for some partisan bear, now rolls away from the doors of their sepulchres—that it is beginning to be understood that good men could differ without crime—that it is beginning to be understood that good men on both sides could be prejudiced, excited and misled as to things and men. And it is refreshing to walk out of the Pantheon of fabulous demigods (good and bad) into nature and humanity—to swap cold, hazy myths for red-blooded realities.

We will now bring down Mr. Jefferson's domestic correspondence through the late session of Congress.

TO MARIA JEFFERSON EPPES.

PHILADELPHIA, Jan. 7, '91.

I acknowledged, my dear Maria, the receipt of yours in a letter I wrote to Mr. Eppes. It gave me the welcome news that your sprain was well. But you are not to suppose it entirely so. The joint will remain weak for a considerable time, and give you occasional pains much longer. The state of things at \* \* \* is truly distressing. Mr. \* \* \* 's habitual intoxication will destroy himself, his fortune, and family. Of all calamities, this is the greatest. I wish my sister could bear his misconduct with more patience. It would lessen his attachment to the bottle, and at any rate would make her own time more tolerable. When we see ourselves in a situation which must be endured and gone through, it is best to make up our minds to it, meet it with firmness, and accommodate everything to it in the best way practicable. This lessens the evil, while fretting and fuming only serves to increase our own torments. The errors and misfortunes of others should be a school for our own instruction. Harmony in the married state is the very first object to be aimed at. Nothing can preserve affections uninterrupted but a firm resolution never to differ in will, and a determination in each to consider the love of the other as of more value than any object whatever on which a wish had been fixed. How light, in fact, is the sacrifice of any other wish, when weighed against the affections of one with whom we are to pass our whole life. And though opposition, in a single instance, will hardly of itself produce alienation, yet every one has their pouch into which all these little oppositions are put: while that is filling, the alienation is insensibly going on, and when filled it is complete. It would puzzle either to say why; because no one difference of opinion has been marked enough to produce a serious effect by itself. But he finds his affections wearied out by a constant stream of little checks and obstacles. Other sources of discontent, very common indeed, are the little cross purposes of husband and wife, in common conversation, a disposition in either to criticise and question whatever the other says, a desire always to demonstrate and make him feel himself in the wrong, and especially in company. Nothing is so goading. Much better, therefore, if our companion views a thing in a light different from what we do, to leave him in quiet possession of his view. What is the use of rectifying him, if the thing be unimportant; and if important, let it pass for the present, and wait a softer moment and more conciliatory occasion of revising the subject together. It is wonderful how many persons are rendered unhappy by inattention to these little rules of prudence. I have been insensibly led, by the particular case you mention, to sermonize you on the subject generally; however, if it be the means of saving you from a single heartache, it will have contributed a great deal to my happiness—but before I finish the sermon, I must add a word on economy. The unprofitable condition of Virginia estates in general, leaves it now next to impossible for the holder of one to avoid ruin. And this condition will continue until some change takes place in the mode of working them. In the meantime, nothing can save us and our children from beggary, but a determination to get a year beforehand, and restrain ourselves vigorously this year to the clear profits of the last. If a debt is once contracted by a farmer, it is *never* paid but by a sale. The article of dress is perhaps that in which economy is the least to be recommended. It is so important to each to continue to please the

other, that the happiness of both requires the most pointed attention to whatever may contribute to it—and the more as time makes greater inroads on our person. Yet, generally, we become slovenly in proportion as personal decay requires the contrary. I have great comfort in believing that your understanding and dispositions will engage your attention to these considerations: and that you are connected with a person and family who, of all within the circle of my acquaintance, are most in the dispositions which will make you happy. Cultivate their affections, my dear, with assiduity. Think every sacrifice a gain, which shall tend to attach them to you. My only object in life is to see yourself and your sister, and those deservedly dear to you, not only happy, but in no danger of becoming unhappy. I have lately received a letter from your friend Kitty Church. I inclose it to you, and think the affectionate expressions relative to yourself, and the advance she has made, will require a letter from you to her. It will be impossible to get a crystal here to fit your watch without the watch itself. If you should know of any one coming to Philadelphia, send it to me, and I will get you a stock of crystals. The river being frozen up, I shall not be able to send you things till it opens, which will probably be some time in February. I inclose to Mr. Eppes some pamphlets. Present me affectionately to all the family, and be assured of my tenderest love to yourself. Adieu.

TH. JEFFERSON.

TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, Feb. 8th, '93.

I ought oftener, my dear Martha, to receive your letters, for the very great pleasure they give me, and especially when they express your affections for me; for, though I cannot doubt, yet they are among those truths which tho' not doubted, we love to hear repeated. Here, too, they serve like gleams of light, to cheer a dreary scene; where envy, hatred, malice, revenge, and all the worst passions of men, are marshalled, to make one another as miserable as possible. I turn from this with pleasure, to contrast it with your fireside, where the single evening I passed at it was worth more than ages here. Indeed, I find myself detaching very fast, perhaps too fast, from everything but yourself, your sister, and those who are identified with you. These form the last hold the world will have on me, the cords which will be cut only when I am loosened from this state of being. I am looking forward to the spring with all the fondness of desire to meet you all once more; and with the change of season, to enjoy also a change of scene and society. Yet the time of our leaving this is not yet talked of.

I am much concerned to hear the state of health of Mr. Randolph and the family, mentioned in your letters of Jan. 22d and 28th. Surely, my dear, it would be better for you to remove to Monticello. The south pavilion, the parlor, and study,<sup>1</sup> will accommodate your family; and I should think Mr. Randolph would find less inconvenience in the riding it would occasion him, than in the loss of his own and his family's health. Let me beseech you, then, to go there, and to use everything and everybody as if I were there.

\* \* \* \* \*  
All your commissions shall be executed, not forget

<sup>1</sup> The main body of the house was at the time dismantled, to renew the roof.

ting the Game of the Goose, if we can find out what it is; for there is some difficulty in that. Kiss all the little ones for me, present me affectionately to Mr. Randolph, and my warmest love to yourself. Adieu.

TO MARIA JEFFERSON EPPES.

PHILADELPHIA, Mar. 7th, '38.

I have received yours, my dear Maria, of Feb. 1st, and with that extreme gratification with which I receive all the marks of your affection. My impatience to get from hence is urged by the double motives of escaping from irksome scenes here, and meeting yourself and others dear to us both. No time is yet spoken of for our adjournment; yet as there is likely to arise nothing which can keep Congress together, I cannot but hope we shall separate early in the next month. I still count on joining you at Eppington on my return. I receive from home very discouraging accounts of Davenport's doing nothing towards covering the house. I have written to him strongly on the subject, expressing my expectations to find the roof finished at my return—but I fear it will not produce the effect desired. We are sure, however, of the out chamber for you, and the study for myself, and will not be long in getting a cover over some room for your sister. My last letter from Belmont was of Feb. 12th, when they were all well. They have found the house there unhealthy, and their situation in general not pleasant. I pressed them to go to Monticello, where they would be relieved from the inconvenience, at least, of a cellar full of water under them. I have not heard from them since. Mr. Trist is gone on to purchase Mr. Lewis's place. They will not remove there till the fall. He is to be married to a Miss Brown of this place, an amiable girl, and who I hope will be of value to you as a neighbor. Having no news for Mr. Eppes but what he will find in a paper inclosed herewith, I do not write to him. My salutations to him, Mr. and Mrs. Eppes, and the family at Eppington. To yourself, my tenderest love.

TH. JEFFERSON.

TO MARIA JEFFERSON EPPES.

PHILADELPHIA, April 1st, '38.

MY DEAR MARIA :

Yours of Mar. 20 came to hand yesterday. You are not aware of the consequences of writing me a letter in so fair a hand, and one so easily read. It puts you in great danger of the office of private secretary at Monticello, which would sometimes be a laborious one. Your letter was 11 days coming here, and Mr. Eppes's of Feb. 8, was 19 days on its way. This shows there is something wrong in the time they take to get into the mail; for from Richmond here is but about 5 or 6 days. I have feared some of my letters may have miscarried. I hope Mr. Eppes received that of Feb. 18th, covering an order to Quarrier to deliver my chariot to him, and asking his and your acceptance of it. Should that have miscarried, this serves to make the same tender. I have still hopes of being able to come by Eppington; but these become less firm in proportion as Congress lengthen their session; for that route would add a fortnight to the length of my journey. If I do not get

home within a certain time, I shall not finish the hall of the house this year, and if I do not finish that this year, then I cannot build my mill the next. But whatever route I am obliged to adopt, I will give you timely notice. They talk of not rising here till the last of this month. Should I not be able to come by the way of Eppington, still tell Mr. Eppes I will make a visit from Monticello, rather than lose the colonnade and octagon, so he will not get off from his purposes by that excuse. My last letter from Belmont was of the 19th, but Mr. Trist came from there since, and reports that all were well. He is about sending off his furniture. He has taken the house in Charlottesville that was George Nicholas's, and will be living there before midsummer. My affectionate salutations to Mrs. Eppes, the gentlemen, and young ones, and kisses and everlasting love to yourself. Adieu.

Mar. 16, the first shad here.

" 28, the weeping-willow begins to show green leaves.

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TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, Apr. 5, '38.

The advance of the season makes me long to get home. The first shad we had here was Mar. 16, and Mar. 28 was the first day we could observe a greenish hue on the weeping-willow, from its young leaves. Not the smallest symptom of blossoming yet, on any species of fruit tree. All this proves that we have near two months in the year of vegetable life, and of animal happiness so far as they are connected, more in our canton than here. The issue of a debate now before the House of Representatives, will enable us to judge of the time of adjournment; but it will be some days before the issue is known. In the meantime, they talk of the last of the month.

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TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, May 17th, '38.

Having nothing of business to write on to Mr. Randolph this week, I with pleasure take up my pen to express all my love to you, and my wishes once more to find myself in the only scene where, for me, the sweeter affections of life have any exercise. But, when I shall be with you seems still uncertain. We have been looking forward, from three weeks to three weeks, and always with disappointment, so that I know not what to expect. I shall immediately write to Maria and recommend to Mr. Eppes and her to go up to Monticello. \* \* \* \* \*  
 For you to feel all the happiness of your quiet situation, you should know the ravaging passions which tear every breast here, even of the sex which should be a stranger to them. Politics and party hatreds destroy the happiness of every being here. They seem, like salamanders, to consider fire as their element. The childrer, I am afraid, will have forgotten me. However, my memory may perhaps be hung on the Game of the Goose which I am to carry them. Kiss them for me; present, etc., and to yourself, my tenderest love, and adieu.

## TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, May 31st, '93.

Yours of the 12th did not get to hand till the 29th; so it must have laid by a post somewhere. The receipt of it, by kindling up all my recollections, increases my impatience to leave this place, and everything which can be disgusting, for Monticello and my dear family, comprising everything which is pleasurable to me in this world. It has been proposed in Congress to adjourn on the 14th of June. I have little expectation of it; but whatever be their determination, I am determined myself; and my letter of next week will probable carry orders for my horses. Jupiter should therefore be in readiness to depart at a night's warning. \* \* \*

\* \* \* Some think Congress will wait here till their envoys return from France, for whom a vessel was sent the 1st of April, so that they may be here the second week of July. Others think they will not adjourn at all. \*

\* \* \* Mr. Randolph will perceive that this certainty of war must decide the objects of our husbandry to be such as will keep to the end of it. I am sorry to hear of Jefferson's indisposition, but glad you do not physic him. This leaves nature free and unembarrassed in her own tendencies to repair what is wrong.<sup>1</sup> I hope to hear or find that he is recovered. Kiss them all for me.

## TO MARIA JEFFERSON EPPEE.

PHILADELPHIA, June 6, '93.

MY DEAR MARIA:

I wrote you last on the 18th of May, since which I have received Mr. Eppee's letter of May 20th and yours of May 27. I have determined to set out from this place on the 20th instant, and shall, in my letters of to-morrow, order my horses to meet me at Fredericksburg on the 24th, and may therefore be at home on the 26th or 27th, where I shall hope to have the happiness of meeting you. I can supply the information you want as to your harpsichord. Your sister writes me it is arrived in perfect safety except the lock and a bit of a moulding broke off. She played on it, and pronounced it a very fine one, though without some of the advantages of hers, as the Celestini for instance. If I did not mistake its tone it will be found sweeter for a moderate room, but not as good as hers for a large one. I forward for Mr. Eppee some further dispatches from our envoys. To this it is said in addition that Mr. Pinckney has gone into the South of France for the health of his daughter, Mr. Marshall to Amsterdam, perhaps to come home for orders, and Mr. Gerry remains at Paris. They have no idea of war between the two countries, and much less that we have authorized the commencement of it. I will convince you at Monticello whether I jested or was in earnest about your writing, and as, while it will relieve me, it may habituate you to a useful exercise, I shall perhaps be less scrupulous than you might wish. My friendly salutations to Mrs. Eppee, the two gentlemen and family. To yourself the most tender and constant affection, and adieu,

TH. JEFFERSON.

<sup>1</sup> "Doctor, no physicking! We are a machine made to live. We are organized for that purpose; such is our nature. Do not counteract the living principle. Let it alone: leave it free to defend itself. It will do better than your drugs."—Napoleon's words to O'Meara.—*Note by a member of Mr. Jefferson's family.*



During the summer recess of Congress nothing of especial importance occurred in Mr. Jefferson's home-life at Monticello. His personal occupations, and certain family solitudes, will be more fully and referred to in the following letters :

TO MARIA JEFFERSON EPPES.

MONTICELLO, July 18th, '98.

DEAR MARIA :

I arrived here on the third instant, expecting to have found you here, and have been ever since imagining that every sound we heard was that of the carriage which was once more to bring us together. It was not till yesterday I learnt the receipt of Mr. Eppes's letter of June 30th that you had been sick, and were on the recovery at that date. A preceding letter of his, referred to in that of the 30th, must have miscarried. We are now infinitely more anxious, not so much for your arrival here, as your firm establishment in health, and that you may not be thrown back by your journey. Much, therefore, my dear, as I wish to see you, I beg you not to attempt the journey till you are quite strong enough, and then only by short day's journeys. A relapse will only keep us the longer asunder, and is much more formidable than a first attack. Your sister and family are with me. I should have gone to you instantly on the receipt of Mr. Eppes's letter, had not that assured me you were well enough to take the bark. It would also have stopped my workmen here who cannot proceed an hour without me, and I am anxious to provide a cover which may enable me to have my family and friends about me. Nurse herself, therefore, with all possible care for your own sake, for mine, and that of those who love you, and do not attempt to move sooner or quicker than your health admits. Present me affectionally to Mr. Eppes, father and son, to Mrs. Eppes and all the family, and be assured that my impatience to see you can only be moderated by the stronger desire that your health may be safely and firmly established. Adieu, affectionally,

TH. J.

TO MARIA JEFFERSON EPPES.

MONTICELLO, July 14, 1798.

I arrived here, my dear Maria, on the 3d inst., and was in the daily hope of finding you, when Mr. Eppes's letter of June 30, by the post of day before yesterday, gave us the first notice of your being sick. Some preceding letter, we infer, explained the nature of your indisposition, but it has never come to hand; we were therefore still uninformed of it. Your sister and myself wrote yesterday to you by post, but I have concluded to-day to send express that we may learn your situation of a certainty, and in a shorter time. I hope the bearer will find you so far advanced in recovery as to be able ere long to set out for this place. Yet anxiously wishing to see you, I must insist on your not undertaking the journey till you are quite strong enough, and then only by very short stages. To attempt it too soon will endanger a relapse which will keep us longer apart, and is always more dangerous than the original attack. I have been confined some days by very sore throat. This is the first day they seem to have mended. I should otherwise probably have set out to see you immediately on receipt of Mr. Eppes's letter. My workmen,



too, are unable to proceed one day without me, and I am anxious to have a cover for my family and friends. I shall continue in great uneasiness till the return of the bearer, by whom I shall hope to know the truth of your situation, and in every event to learn that you maintain good spirits and do everything necessary to restore yourself to health and to those who love you with the tenderest sensibility. Adieu, my dear, and ever dear Maria; let me know that you are well, or bravely determined to be so speedily (for these things depend much on our own will) and to shorten our longing expectations of seeing you. Again adieu,

Yours affectionately,

TH. JEFFERSON.

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"TH. JEFFERSON TO HIS DEAR MARTHA."<sup>1</sup>

Ellen appeared to be feverish the evening you went away; but, visiting her, a little before I went to bed, I found her quite clear of fever, and was convinced the quickness of pulse which had alarmed me had proceeded from her having been in uncommon spirits and constantly running about the house through the day, and especially in the afternoon. Since that, she has had no symptom of fever, and is otherwise better than when you left her. The girls, indeed, suppose she had a little fever last night; but I am sure she had not; as she was well at 8 o'clock in the evening, and very well in the morning, and they say she slept soundly through the night. They judged only from her breathing. Everybody else is well; and only wishing to see you. I am persecuted with questions "When I think you will come?"—

\* \* \* \* \*

If you set out home after dinner, be sure to get off between four and five. Adieu, my dear

*Wednesday, Aug. 15th, '92.*

The very high price of tobacco had tempted Mr. Jefferson, this season, to devote his entire farm force to its culture; and consequently his previous system was suspended, and most of his lands thrown out of cultivation. The result of this experiment we do not find particularly recorded. Mr. Tucker, his subsequent biographer, first saw him at this period, at Monticello; and he mentions that "Mr. Jefferson was so guarded in his [political] conduct and expressions, as to obtain at the time the character of unusual moderation among his neighbors"—that "though his house was still unfinished, he entertained much company, but he rarely made visits."

This personal calmness and avoidance of heated language were characteristic of the man, and were particularly made a matter of prudence by the fact that he was constantly dogged by spies, even at his own table, who circulated the most distorted statements of his conversations. But his apparent coolness

<sup>1</sup> This note is so headed in original.

<sup>2</sup> Tucker's *Life of Jefferson*, vol. II. p. 42.

figured no want of deep feeling and of inflexible determination. In a letter to Samuel Smith of Maryland, August 22d, after correcting the published falsehoods of some letter-writing "spies," he said :

"I only wish the real principles of those who censure mine were also known. In warring against those of the people, the delusion of the people is necessary to the dominant party. I see the extent to which that delusion has been already carried, and I see there is no length to which it may not be pushed by a party in possession of the revenues and the legal authorities of the United States, for a short time indeed, but yet long enough to admit much particular mischief. There is no event, therefore, however atrocious, which may not be expected. I have contemplated every event which the Maratists of the day can perpetrate, and am prepared to meet every one in such a way, as shall not be derogatory either to the public liberty or my own personal honor."

He distinctly says in the same letter, that France as well as England has given, and is daily giving, "sufficient cause of war," and avers that both, "in defiance of the laws of nations," are every day trampling on the rights of the neutral powers." But "viewing a peace between France and England the ensuing winter to be certain," he thought it "better for us to continue to bear from France through the present summer, what we have been bearing both from her and from England these four years, and still continue to bear from England."

In the paragraph above quoted, it would appear that Mr. Jefferson anticipated some attempt against him personally by the "Maratists," as he terms them, of the day ; and his remark that he is "prepared to meet them," in a way derogatory either to "public liberty," nor "personal honor," is in a new one for a man who perhaps of all American statesmen (of anything like an analogous experience), was least disposed to put controversy on a personal footing, or to mention what he would or would not do, under any future circumstances of danger. But, as in case of his father, the cold, passive, inflexible courage, which usually wore rather the lineaments of fortitude—of iron, but unaggressive endurance—could be roused both to speak and act affirmatively.

No man possessing a particle of observation, ever looked at the firm tranquil eye, the singularly firm mouth (though not inclined to any expression of wiry sharpness), the dilated nostril, the massive chin "set on," as Stewart has shown it in the profile likeness given in these volumes, heard the deep settled

voice, observed the free, stately, and almost swinging gait, and dashing riding, and the lofty strong-boned form of Jefferson, with any more disposition to question his physical courage, without hearing him speak of danger, than he would to raise that question in gazing on the silent lineaments, in the marble, of some antique civic hero of Greece or of Rome.

Could that observer have heard Jefferson talking of the ceaseless and bitter personal attacks made on him in the newspapers, and the personal innuendoes constantly launched against him in Congress—noticed how calmly he talked, how little he said, how completely unconscious he seemed to be of what is technically termed “personal offence or affront,”—that while others flamed about their individual grievances, and discussed between fiery alternatives of redress, he listened silently if not abstractedly—we say, if that observer was possessed of much experience in humanity, these indications would add strongly to the impressions already derived from physical ones. He would at once conclude, this stately self-possessed man is too firmly courageous to be easily affronted—altogether too brave either to fight or boast to vindicate his courage. We have already remarked, in an earlier part of this work, that Jefferson never received anything approaching to a direct personal indignity. No opponent ever had the moral courage (or perhaps the desire), to stand before him face to face and attempt such an experiment.

There is however a lurid gleam of roused personal feeling in the letter to Smith. There is a tone which unmistakably shows that personal outrage is anticipated and will be resisted. What does this mean?

We have seen in a letter from Jefferson to Madison, in the preceding part of this chapter, that Doctor Logan, of Philadelphia, sailed for France early in the summer of 1798; and that one of the Federal leaders in the House (Harper), announced that fact, asserting that he was the bearer of a traitorous correspondence, etc. It was published and perhaps believed by not a few Federalists, that this gentleman, concededly one of the most stainless in personal character, and most respectably connected in Philadelphia, a Quaker by profession, a man eccentric only in his excessive benevolence, had gone on a secret mission from the “American Jacobins,” to their French congeners, to invite and

range the details of the projected invasion of the United States for the latter! George Logan belonged to the party of Jefferson—was an ardent admirer of him—and bore a letter from him which he had asked, and which Jefferson could not decently refuse) consisting of a certificate of “his citizenship, character, and circumstances of life:” and this was all. • This was the seditious correspondence, or the clues and threads of treason with which Harper (a former member of the French Patriotic Society of Charleston),<sup>1</sup> horrified the House of Representatives, and which he gave them hopes would be dragged fully to daylight.

Mr. Jefferson and some of his friends were led to believe, from the information they received, that the Logan affair would be made a cause or an excuse for attempting to bring him under the pains and penalties of the Sedition Law on the first practicable occasion. He and his friends believed that his correspondence was carefully watched and tampered with, by Federalist masters, to obtain some direct proof of seditious language.

The special evidence on which these suspicions were founded is not recorded, and we cannot, therefore, judge of their apparent reasonableness. In the light of present facts, they would excite credulity, and seem rather the offspring of an imagination rendered morbid by political bigotry, than probable realities. If we have only to turn to the newspapers, and other contemporaneous chronicles of that period, to be astonished by all we see and hear. It is like stepping suddenly from calm daylight into the precincts of Bedlam, where maniacal acts, and wild and raving scenes at once burst on the senses. The newspapers on both sides, which our fathers (we hope not our mothers and aunts!) read, and, probably, delighted in, considered such epithets as “perjurer,” “traitor,” “beast,” and the like, rather moderate phrases; and foul imputations were thickly hurled about, in language as bad as was ever heard in a bagnio or a fish-market.’ And we

<sup>1</sup>The Ishmaelitic “Porcupine” republished, in 1798, an advertisement from a Charleston paper of June 4th. 1793, in which Harper appears in a list of officers of the above society, containing but one other English name, invoking aid for the “sublime cause of liberty,” etc. Cobbet accused Harper of being seduced by the good living of the Philadelphia “aristocrats.”

Cobbet (Porcupine) lies before us. We open a volume purely at random, and the passage that meets our eye is: “The monster [Governor Mifflin], who, for about the number of pieces that Judas betrayed our Saviour, could swear to the prostitution of his own mother,” etc. etc. On the opposite page we have a scandalous piece of gossip about the Spanish Ambassador, in which his wife (the daughter of Chief Justice

fail to discover any very material difference between the frenzy of the acts and of the language of the period. Judging from either, there was nothing improbable in Jefferson's suspicions. If he is accused of unreasonable jealousy towards his political opponents in other respects, we do not often find him indulging in any, that physical injury, or insult, is meditated towards himself. His jealousies did not lie on that side.

These feelings did not die away very soon. We find Mr. Jefferson repeatedly in letters, for some months after that to Smith, carrying the idea that he, and more particularly his correspondence, are watched, to find grounds for a prosecution.

His defiance took a new phase in a letter to the celebrated Irish patriot, Archibald Hamilton Rowan, dated September 20th. We judge, from the answer, that Mr. Rowan had raised the question of his safe continuance in the United States under the Alien Laws. Jefferson wrote :

"In this State, the delusion has not prevailed. They [the people of Virginia] are sufficiently on their guard to have justified the assurance, that should you choose it for your asylum, the laws of the land, administered by upright judges, would protect you from any exercise of power unauthorized, by the Constitution of the United States. The Habeas Corpus secures every man here, alien or citizen, against everything which is not law, whatever shape it may assume. Should this, or any other circumstance, draw your footsteps this way, I shall be happy to be among those who may have an opportunity of testifying, by every attention in our power, the sentiments of esteem and respect which the circumstances of your history have inspired, and which are peculiarly felt by, sir, your most obedient and most humble servant."

It is impossible to construe this into anything but a distinct assurance that if Mr. Rowan chose to come to Virginia, its State courts would, by the writ of habeas corpus, release him from arrest, and protect him against the enforcement of unconstitutional federal laws. It, moreover, implied an invitation to come, and a pledge that the writer would personally receive and countenance him—in other words, stand by him. Mr. Rowan did, not long afterwards, visit Monticello (we are not able to give the date), and was received as Kosciuszko, De Chastellux, De Rochefoucauld, and other distinguished foreigners had been received there—in all honor.

It thus appears that Mr. Jefferson was ready to make an issue

McKean) is made to appear as one of the *dramatis personæ*, and to curse like a drunken drab!

the constitutionality of the Alien Laws, between the federal and State courts, and, as a necessary inference, to support the decisions of the latter with the power of the State. We will not now examine the particular means by which he proposed to effect this, or their propriety, because we soon shall have occasion to see his views more fully matured and disclosed.

President Adams's course was not consistent in regard to the Alien Laws. Not long after their passage, he, under their provisions, authorized the expulsion from the country of the French General Collot, and a German named Schweitzer; but Pickering, who had the direction of the matter, was led by the information he had employed, to believe that "General Serrurier was in the country in disguise," and he "thought it best not to give an alarm to him by arresting the other two." But after "months of suspense, while inquiry was making," he became "satisfied the information concerning Serrurier was groundless." "Then so many months had elapsed, and the session of Congress [having] commenced when other business pressed, the pursuit of these means was overlooked."<sup>1</sup> In 1799 we shall find Mr. Adams willing to "try" this law in a specified case, but "fearing" that it "will, upon trial, be found inadequate to the object intended," in other words, we suppose, unconstitutional.<sup>2</sup>

After all the real or affected consternation in regard to the Frenchmen, and "United Irishmen," in our midst, we find Mr. Adams wielding the powers vested in him for the banishment of but a single Frenchman, and not for the banishment of a single Irishman. This would be less remarkable, because, except in an instance where he was disposed thus to get rid of a troublesome editor, he does not appear to have been inclined to execute the law tyrannically, or against persons whom he did not really strongly suspect of illegal machinations. But it was not so with the narrow-spirited and acrid Pickering, who, while stealthily betraying the President, as we shall have occasion to see, was constantly goading him to every excess of partisan violence. Yet, but in one instance have we observed that even Pickering, as the fruits of his espionage, attempted to level the executive bolts against a French, and but in one instance against an Irish alien; and the latter claimed to have been born in the United States, and confessedly had no connection with the Irish

<sup>1</sup> Adams's Works, vol. ix. p. 6.

<sup>2</sup> *Ib.* p. 14.

rebellion. The facts we have stated present a striking commentary on the character of the French and Irish exiles. They must have demeaned themselves most peaceably and orderly, to escape the complaints of the American Secretary of State, whom we shall by and by find snuffing sedition in the kind of feathers composing a military plume !

We have stated that a ship load or two of Frenchmen, dreading some violence, fled home before the passage of the Alien Laws. De Volney was the only very prominent man amongst them. Not one of them, we think, has now the reputation of having been a conspirator against the United States. The tales of designs they had on our western territories do not serve to disclose a cobweb of real conspiracy. Had they all come here and remained full of such designs, they would have been about as potent to effect their object as would have been a hundred or two Americans, sent to France or England, to effect a territorial division of one of those nations. The smallest rill that carries mud into the upper Mississippi does as much to color the mighty stream to its mouth, as did or could ten times as many Frenchmen, or any other foreign residents, to give color and tone to the politics of the American Union. Yet, when this little handful of French had fled, we find but one man left to be made a victim of the Alien Laws. These facts show the utter frivolousness of the pretence on which that gross attack on all sound principles of civil liberty was made by the National Legislature.

The Sedition Law proved something besides a scare-crow. We will bring together a few instances of trials under it during Mr. Adams's administration. Matthew Lyon, a member of Congress, was selected as the first victim. He was an Irishman by birth—a rough, energetic man, who did not mince phrases—and an extreme Republican. He had attracted the unbounded ridicule of the Federal members of the House when he asked to be excused from attending the procession which went with the usual parade to answer the “King’s speech” (as the Republican presses termed it); and they scornfully excused him. The country did not laugh as loudly as the Federal members, and when Lyon asked the second time to be excused, it was refused him. On the second repetition of a purely gratuitous and impudent insult, he had while standing outside the bar of the House, spit in the face of Griswold, of Connecticut. He apolo-



zed to the House, but an attempt was made to expel him, which failed, though it received a majority vote. Griswold assaulted Lyon with a cane, in the House, after prayers, but before the Speaker had taken his seat. Lyon received the worst in a rencontre in which the Speaker did not chance to interfere until Lyon too obtained a cane, and then the official hammer fell. The House refused to pass any censure on Griswold. Fairly balanced, the conduct of both appears to have been about on a par; and of both it was disgraceful.

Lyon, therefore, had several qualifications besides his high office to make him a selected subject for an experiment of the Sedition Law. The technical grounds of offence against him were that he had declared in a letter published in a Vermont newspaper, that with the federal Executive "every consideration of the public welfare was swallowed up in a continual grasp for power, an unbounded thirst for ridiculous pomp, foolish adulation and selfish avarice." In regard to the Fast Day, he said that "the sacred name of religion" had been used as "a state engine to make mankind hate and persecute each other." He had published "by reading and commenting on" at a political meeting, a private letter written by Joel Barlow in France, in which Barlow expressed astonishment that the answer of the House of Representatives to the President's speech had not been an "order to send him to a madhouse." Another count was that he had also published Barlow's letter by causing it to be printed in a pamphlet.

He was tried before Judge Patterson, of the Supreme Court. The jury found him guilty, and the judge, after a severe primand, sentenced him to four months' imprisonment, and a fine of \$1,000—a mitigated punishment in the latter particular, as it was shown Lyon's affairs verged towards bankruptcy.

A petition, signed by several thousand persons, was sent to the President asking Lyon's release from a narrow, uncomfortable and, it was alleged, filthy cell; but the former declined to interfere unless the prisoner would sign the petition. This Lyon refused to do. A private lottery was made of his property to raise the amount of his fine, but the officers of the Government found an indictable matter in the paper in which the plan of the lottery was proposed to the public, and the printer of the Vermont Gazette, the paper in which it appeared, was found guilty



under the same law, and sentenced to pay a fine of two hundred dollars, and be imprisoned two months.

A short period before Lyon's trial, a congressional election had been held in his district which resulted in no choice. The second election was held after his imprisonment, and he was rechosen by a triumphant majority—a significant hint of the popular judgment on the working of a law which would not permit a candidate for Congress, in canvassing his district, to speak freely of the political conduct of the President—which dragged a representative of the people in the highest legislative tribunal of the nation before a judicial appointee of the President, to be there browbeaten, lectured, tried as a felon, and condemned as a felon, for political language addressed to his own constituents.

The number of convictions which took place under this law we have no means of ascertaining. Nor have we widely searched for them. We will name a few more instances, however, to show what a miscellaneous class of fish was caught in the meshes of this net; to show that if it could threaten a vice-president and send a member of Congress to jail, it could stoop low enough to punish men in whom a police court would not notice far graver offences.

Charles Holt, publisher of the Bee, printed at New London, Connecticut, was found guilty of defaming the President and discouraging enlistments in the army, and sentenced to three months' imprisonment, and a fine of \$200.

Thomas Cooper, the friend and associate of Dr. Priestley, and afterwards so distinguished in the United States, was tried for charging the President with unbecoming and unnecessary violence in his official communications, calculated, it was asserted, justly to provoke war; for bringing upon the nation in a time of peace the expense of a permanent navy, and threatening it with that of an army; for interfering, in the case of Jonathan Robbins, a native impressed citizen of the United States, to deliver him over to a British court martial for trial, "an interference," Cooper alleged, "without precedent, against law and against mercy"—an act "which the monarch of Great Britain would have shrunk from," etc. Cooper was found guilty, and Judge Chase sentenced him to six months' imprisonment, and to pay a fine of \$400.<sup>1</sup>

<sup>1</sup> The biographer and editor of Mr. Adams thinks this prosecution was a political mis-

James T. Callender was tried for a libel on the President. It may with strict propriety be said that Judge Chase procured the indictment. Callender's counsel raised the question of the constitutionality of the law. The judge refused to hear them on and treated them with the most arbitrary rudeness. They threw up their briefs and left the court. The defendant was sentenced to nine months' imprisonment, and to pay a fine of \$200.

Here is a case which we prefer to give in the language in which we find it in Hammond's Political History of New York:—

"Mr. Baldwin of New Jersey, was indicted, tried, convicted, and fined, under the Sedition Law for the following offence. Mr. Adams, on his return from the seat of Government, passed through Newark; some cannon were discharged in

his honor. He says: "The fact of his [Cooper's] having been a disappointed applicant for the office, would have been a far more effective instrument to rely upon, in order to neutralize his influence."—*Adams's Works*, vol. ix. p. 14—note.

This is doubtless true, but how far it would have been a fair instrument, is another question. Mr. Adams was the friend and admirer of Priestley up to the time of his own accession to the Presidency. It has been publicly stated, and not (we think) disputed that Mr. Adams was a constant hearer of his sermons in Philadelphia, in the winter of 1796. These sermons were not long after published and dedicated, by permission, to Mr. Adams. A curious letter from the latter to his wife, on this subject, squinting with an eye to the gratification of his vanity, and with the other to Puritan censures, is yet extant. Priestley was engaged in no partisan opposition to Mr. Adams in the election of 1796. There was no humiliation, then, in his presenting the name of Thomas Cooper for the President in 1797, as a candidate for the office of Agent of American Claims, before the American and British Commission then sitting in Philadelphia. The letter (by its citation of a word in the first sentence) distinctly intimates that the President had treated him to ask some favor. It was unexceptionably dignified throughout.

We find no evidence to the contrary, and suppose it to be an unquestionable fact, that Cooper, at the same period, stood in the same political attitude with Priestley—that he not only opposed Mr. Adams's election, and felt the most favorable dispositions towards the government. With Priestley's application to the President, Cooper sent a brief, dignified note, signifying his candidacy in terms which showed that he had no importunate desire for the office—anticipated objections—and was prepared to receive a refusal without surprise or offence. The rancorous Cobbet found no grounds for attack in this declaration. He said (in *Rush-Light*, No. 5), "it must be confessed that there is nothing reflecting in either of these [Priestley's or Cooper's] letters: they breathe as independent spirit as letters, on such a subject, possibly can." In alluding to an account published in the *Reading paper* (October 26th, 1799) of Priestley's and Cooper's application to the President for the office—of the huge disdain of the latter on the occasion—and that it was in revenge for this refusal that Cooper afterwards assailed him, Cobbet said: "The man who compares this anecdote with the letters of Dr. Priestley and Cooper, and who, in the mean time, is willing to give the devil his due, will allow that a narrative more destitute of color and of truth never disgraced even an American newspaper." He declared that Cooper "was possessed of talents, intrepidity and perseverance that would do honor to the latter cause."

Cobbet hated Mr. Adams, he abhorred Priestley and Cooper. His judgment and his honesty were not worth a pin, where he had any choice between parties: but when, as in the present case, the struggle was between his hated enemies, his English blood, and his Irish yeoman and army education, made him no bad umpire of what constituted a fair

neither Priestley nor Cooper attacked Mr. Adams until he gave his assent to what they offered violent propositions and unrepublishable measures. We suppose most men will be prepared to concede that then they had as good a right in honor and conscience to attack him, as if neither of them had ever been "a disappointed applicant for office."

compliment to him, while passing through that village; Mr. Baldwin, who, it would appear, was rather a low-bred man, said he wished the wadding discharged from the cannon had been lodged in the President's backsides. For this he was fined one hundred dollars."

Judge Hammond gives another example. Judge Jared Peck, a senator in the Legislature of New York—a man of the most exemplary personal character, and one of the first movers of the great legislative provisions for the common schools of his State—had the audacity to offer to his neighbors for their signature a petition to Congress, for the repeal of the Alien and Sedition Laws, in which the odious features of those laws were severely handled. The form of the petition had been prepared by the caustic pen of General John Armstrong, and was circulated (Judge Hammond thinks) rather for political effect than for the actual objects of a petition. Be this as it may, complaint was immediately made to Harrison, United States District Attorney at New York; a grand jury was empannelled who found a bill of indictment; a bench warrant was issued; Peck was arrested in the midst of his family by an officer, and taken to New York. The fearless victim, we doubt not, at every stopping-place, after his usual wont, mingled prayers and pious exhortations, with vehement political appeals,<sup>1</sup> before the assembled multitudes. The political historian of New York says:

"A hundred missionaries in the cause of democracy, stationed between New York and Cooperstown, could not have done so much for the Republican cause as the journey of Judge Peck, as a prisoner, from Otsego to the capital of the State. It was nothing less than the public exhibition of a suffering martyr for the freedom of speech and the press, and the right of petitioning, to the view of the citizens of the various places through which the marshal travelled with his prisoner."<sup>2</sup>

The result we are not apprised of. We believe it was found highly expedient to slur over this matter in some way, and discharge the prisoner. Had it needed a conspicuous victim to swell higher the flood-tide of popular indignation which was rolling over the land, it would have been a pity that Peck was not the selected one. Nerves of firmer texture never withstood the thumb-screw and iron boot of Lauderdale, or knelt down, with unbandaged eye, to receive the death-shots of Claverhouse.

<sup>1</sup> He was a devoted Christian (Methodist we think), and very warm politician; and rarely separated the topics completely in his stirring harangues.

<sup>2</sup> Political History of New York, vol. i. p. 132.

It has been said that the victims of the Sedition Law were but few. We do not know the number. They were assuredly few compared with the whole number of our population. But they were numerous enough for the purposes of intimidation—numerous enough to show that a free criticism of the acts of the Government, in any class of persons, was uttered by the press or in conversation at the peril of property and personal liberty. They were numerous enough to give our Government, practically, all that power over the people in political affairs which had been exercised by the highest Tory administrations over the people of England during the long reign of George III., and when the deadly struggle with republican France had produced a reactionary feeling against liberalism that was ready to sanction almost any infringement on personal liberty. England at the present day would not tolerate any approach to those attacks on parliamentary privilege, and on the freedom of the press and speech, which were made under the American Sedition Law. The discreet, virtuous and able Princess, who now sits on the throne of England, would scorn to maintain Government measures or protect the Administration from censure, by an analogous action on the part of the legal tribunals of her realm.

And when we look at the cases and decisions under our Sedition Law of 1798, we cannot fail to become at once convinced that its aim and intent was not to prevent or punish real sedition—actual, open or secret machinations against our institutions and laws. Its manifest object was to shield the federal government from damaging censure—to arm it with power to put down political opposition; in a word, to confer on it authority during its shorter personal tenure, about equivalent to what then possessed and exercised in political affairs by the Government of Great Britain over the British realm.

We have seen that the President was intrusted with the nomination, subject to the confirmation of the Senate, of the general officers of the army which Congress, in the session of 1797-'98, ordered to be raised to meet an anticipated war with France. Mr. Adams nominated Washington Lieutenant-General, and the latter accepted, under the understanding that he should control the selection of the senior general officers.<sup>1</sup> He proposed to the President the

<sup>1</sup> See Washington to Pickering, October 1. Hamilton's Works, vol. vi. pp. 331, 362

appointment of Hamilton for Inspector-General, with rank of Major-General, and C. C. Pinckney and Knox for Major-Generals, and they were appointed. Washington's correspondence clearly shows that he expected these officers to take rank according to the grade and seniority of their preceding commissions, and this would have placed Hamilton below the other two officers named.<sup>1</sup> It would appear that Hamilton would have been satisfied with this arrangement, but his satellites in the Cabinet were determined he should have the first place, after Washington,<sup>2</sup> and they found no reluctance on his part to join heart and soul with their efforts.<sup>3</sup>

The intrigues of Pickering, and, we lament to add, the more honorable McHenry, first to deceive and mislead Washington, and then to conquer and humiliate the President, to effect their object, presents one of the most disagreeable pages in American history.<sup>4</sup> But its insertion does not belong here.

The object was accomplished; and the grim, puritanic features of Pickering become more disagreeable as they assume a leer of irrepressible triumph over Knox, and over Washington himself!<sup>5</sup>

<sup>1</sup> In a letter to Pickering, July 11th, Washington combats the idea of placing Hamilton over Pinckney, because, he says, "being senior to Col. Hamilton, he would not, I am morally certain, accept a junior appointment. Disgust would follow," etc. (see Washington's Works, vol. xi. p. 258, *et seq.*) Knox was senior to Pinckney in both date and grade. (See also Pickering to Hamilton, August 21st, Hamilton's Works, vol. vi. p. 343, *et seq.*)

<sup>2</sup> For distinct proof of both of these facts, see Pickering to Hamilton, August 21st. Hamilton's Works, vol. vi. p. 343.

<sup>3</sup> See Hamilton to Washington, July 29th. Hamilton's Works, vol. vi. pp. 331-333, *et passim*.

<sup>4</sup> See the entire correspondence on this subject between these Secretaries, Washington and Hamilton, in Washington's and Hamilton's Works—particularly in the latter, vol. vi. p. 343, *et seq.*

<sup>5</sup> See Pickering to Hamilton, Hamilton's Works, vol. vi. pp. 344, 351, and Pickering to Jay, *Ibid.* p. 330. In the last he hints plainly enough that Hamilton had sacrificed himself to build up Washington's reputation in the Revolution!

In the second of the letters to Hamilton referred to, Pickering said, in allusion to the defeat of Knox, and obviously to enhance the merit of his own victory: "I did not know till now, that General Washington had so explicitly written you respecting your taking rank of General Knox, *whom he loved*," etc. The last words are thus italicized in original. We take this to be an allusion to a well known phrase in the New Testament. But whether so or not, it, with its italicization, must have a significance. Is it not, in the mouth of the chuckling intriguer, equivalent to saying: We, or I (Pickering), have placed a man whom Washington did not love over the man he did love? As a corollary to (under any construction) an indecent boast, we present the following passage from Mr. Trist's Memoranda:

"MONTPELIER, Friday, May 26th, 1827—just after breakfast.

"Sparks's second letter to Story on the subject of Washington's papers, led to Mr. Jefferson's papers. I had mentioned some circumstances in them connected with General Washington.

"Mr. Madison. '*It is a well known fact that Hamilton did not like Gen. Washington; nor did Gen. W. like him.*' 'Ah! the reverse of this is the general impression. Mr



Wolcott, as usual, kept among the shadows of the background, betrayed only by the occasional sparkle of his eye.'

It was a galling mortification to the President to be required to sanction a construction of his own appointments, which placed his enemy, Hamilton, over the head of his friend Knox—the Revolutionary aid-de-camp and Lieutenant-Colonel over the head of the Revolutionary Major-General, the lion of a hundred fields. He submitted, however. Knox did not submit, and threw up his commission in disgust.\* A deeper humiliation, a direct indignity, was in store for the President from the same quarter. General Washington had, purely of his own accord, placed the name of Mr. Adams's son-in-law, Colonel William S. Smith, in the list of his general officers. When Pickering ascertained that the President had concluded (in pursuance of an understanding which the latter found himself unable to break in other cases) to nominate the officer thus designated to the Senate, he "did not," he wrote Hamilton, "hesitate to inform a number of

Sparks told me that Gen. W.'s papers led to the conclusion that he entertained a very high opinion and cordial regard for H.'

"Mr. Madison went on to explain this. In the first place, H. was perfectly honest in his belief that the British Government was the only one by which men could be governed on liberal principles. H.'s importance and weight were very great. There were in the list of those devoted to him: 1. Those who founded their fortunes on the funding system. 2. The mercantile interest, particularly the British merchants. 3. Those who had been led to aristocratical partialities, from various causes; among others, disgust for the abuses of liberty which were manifesting themselves in the eastern States. 4. The officers of the army, many of whom took to the funding system. All this conspired to give to Hamilton great weight and consequence in the nation. 'Gen. W. might have bid defiance to this power, and relied on his own popularity and weight of character which would have proved sufficient to carry him through all difficulties; but his situation would have been a very trying one.'

"Gen. W. signed Jay's treaty; but he did not at all like it.'

"The foregoing is written immediately after the conversation, which has not lasted half an hour. Mr. M. having stepped out, and I taking advantage of this interruption to retire to my room and commit the substance to paper. The *very words* I have retained, as near as I could. In many instances (where I have run a line over the words), I have done this *exactly*."

The words with a line run over them in Mr. Trist's Memoranda, are placed in italics above.

1 "Hiding his face lest foeman spy  
The sparkle of his swarthy eye."

Wolcott is unmistakably betrayed, however, in a letter to the President, Sept. 17th Gibbs's Administrations, etc., vol. ii. p. 93), and to Hamilton of October 10th. (Hamilton's Works, vol. vi. p. 386.) The insulting commentary of this party, and we dare say pretended personal friend, on Knox's pecuniary fall, will be read with edification by those who have been pained by an allusion to the same circumstance in the Ana of Knox's either party nor personal friend, Jefferson.

2 Those curious in a peculiar style, which we have once or twice called attention to Hamilton's Writings, will do well to turn to a letter from him to Knox (March 14th, 1799), in which he appears, on the surface, to say that his elevation over the latter was entirely without his aid, and that his "respect and attachment" for his correspondent (Knox), and his "impression of duty" had led to a "serious struggle." If we understand the drift of the letter, it is to convince Knox that the arrangement was solely produced by the wishes of General Washington. But let the reader consult the letter, and apply his own inferences. (See Hamilton's Works, vol. vi. p. 403.)

Senators of it, and to urge their negative for the honor, and even for the safety of the army."<sup>1</sup> The reasons he assigned for this breach of trust as an official, and of honor as a gentleman, were as follows :

"I deprecate the appointment of Smith which will injure the President in two ways: 1st, because he is the President's son-in-law, for this will be contrasted with General Washington's caution to steer clear of his relations; 2d, because Smith is a bankrupt; and, if I am rightly informed, with a ruined reputation."<sup>2</sup>

If General Washington asked Mr. Adams to make the nomination, he was responsible for all results. When, a few months later, Pickering gave his own poverty as an excuse for not resigning, when asked to do so by the President, he had forgotten that it was a crime!

The Hamiltonian majority in the Senate obeyed; and the President's nomination was rejected. Considering all the circumstances—considering that the blow came from ostensible party friends—considering the President's recent submission, where the interests and feelings of the intriguers were so deeply staked—this indignity betrayed a relentlessness which has few parallels; and there is a rank odor of dishonor resting on the whole transaction, which the stern pen of Tacitus has hardly recorded of the Court of Tiberius. We gladly turn away from these details.

Let us now inquire what were the acts of France, in respect to America, after sending away two of our envoys, Marshall and Pinckney, in alleged retaliation for the insult of the President's Message. What were those preparations for war and invasion, the intelligence of which, carried by every vessel across the Atlantic, showed that France had not yet enemies enough on her hands, and warned the United States, trumpet-tongued, to raise fleets and armies for the terrible struggle with her?

After the departure of Marshall and Pinckney from France, Talleyrand immediately entered upon a diplomatic correspondence with our third envoy, Mr. Gerry, who had been almost constrained to remain against his will. Talleyrand declared that the French Government had no desire to break up the treaty between the United States and Great Britain, and only de-

<sup>1</sup> See letter to Jay, Hamilton's Works, vol. vi. p. 330.

<sup>2</sup> See his letter to Hamilton, July 18th. Hamilton's Works, vol. vi. p. 328.

manded to be placed on as favorable terms as the latter. He distinctly informed Gerry (May 26th, 1798) that the Directory had no thoughts of a war with the United States. On the XYZ correspondence appearing in the London papers, the Minister disavowed, to Gerry, any complicity with those "intriguers." The American envoy (June 10th) intimated the necessity of his speedy departure. Talleyrand proposed to proceed at once to negotiations on the basis of former treaties, and mutual indemnities for breaches of them. Gerry declared he had no separate powers, and, as the French Minister advanced, he continued to retreat; until, finally, in July, Talleyrand consented to give him his passports, accompanied by a pacific message, in which he recounted his different and unavailing efforts to come to a good understanding. Receiving notice of the suspension of intercourse between the two countries, by Congress, Talleyrand added, in a postscript:

"It seems that, hurried beyond every limit, your Government no longer preserves appearances. . . . The long suffering of the Executive Directory is about to manifest itself in the most unquestionable manner. Perfidy will no longer be able to throw a veil over the pacific dispositions which it has never ceased to manifest. It is at the very moment of this fresh provocation, which would appear to leave no honorable choice but war, that it confirms the assurances I have given you on its behalf. It is yet ready, it is as much disposed as ever, to terminate by a candid negotiation the differences which subsist between the two countries. Such is its repugnance to consider the United States as enemies, that notwithstanding their hostile demonstrations, it means to wait until it be irresistibly forced to it by real hostilities. Since you will depart, sir, hasten, at least, to transmit to your Government this solemn declaration."

Gerry replied with great spirit (July 20th), contending that the objects of the mission had been frustrated by the demand for a loan, and for reparation for the President's speech; that if France was so desirous of peace, it should restrain the depredations of its privateers on American commerce, which were extended far beyond the limits, even, of its own decrees.

Talleyrand, thereupon, forwarded an express and formal disavowal of any claim for reparation for the President's speech, or for a loan—and assured Gerry that any envoy, possessing his own qualifications, who might be sent to France, would be well received. Mr. Gerry, indeed, believed, and so informed his Government, that all that prevented France, at this point, from



sen ling a Minister to America, was the fear that he would not be received.

Gerry, on reaching Havre, was purposely detained, as he believed, to gain time to forward to him a decree of the Directory, requiring all French privateers to give bonds not to commit unauthorized depredations on American commerce, and placing restraints on the issue of commissions to them, and on the condemnation of captured vessels in the West Indies:

Immediately after Gerry's departure, the Directory passed two decrees (August 11th and 16th), releasing those American citizens who had been confined under an embargo, which had been imposed on American shipping in retaliation for some of the war measures of the United States; and terminating the embargo. The Minister of Marine, by an official circular of the same date, ordered French cruisers to do no injury to the officers or crews of American vessels, if "in order," and in no case to passengers and crews, if American citizens, having passports or protections. The American Consul-General at Paris, Skipwith, received an unofficial intimation, to be conveyed to his Government, that the Directory intended to press upon the Legislative body a revision of the maritime laws of France, which would secure the rights of neutrals on the seas—that the Court of Cassation, where appeals were pending from the condemned American vessels, was inclined to delay its decisions until the passage of the new laws—and that, until the latter period, the Directory could not, however friendly disposed, change the action of the courts.

Dr. Logan arrived, on his self-constituted but benevolent mission, not long after Gerry's departure, and was received with the greatest distinction, and loaded with friendly assurances to the United States, by the most important personages in the French Government and nation. These included Merlin and Talleyrand; and the latter, who was well acquainted with President Adams, and had been repeatedly entertained at his house, requested Logan to visit the President on his return, and personally assure him of "the desire of the Directory, as well as his own, to accommodate all disputes with America, and to forget all that was past."<sup>1</sup>

Lafayette wrote imploring appeals to General Washington,

<sup>1</sup> Adams's Works, vol. ix. p. 244.

to "exert all his endeavors to avert the calamitous effects of a rupture between their countries," assuring him that the Executive Directory were disposed to an accommodation of all differences."<sup>1</sup> And he addressed a communication on the same subject to Hamilton.<sup>2</sup>

Mr. Barlow,<sup>3</sup> Mr. Codman, Consul Cutting, and various other Americans in France, individuals eminent for talents, for knowledge of the world, and as business men, wrote home—some to public characters and some to their private correspondents—and all expressed similar views with Lafayette's. Mr. Adams himself afterwards said: "Perhaps at no period of our connection with France has there ever been such a flood of private letters between that country and this, as in the winter of 1798 and 1799. The contents of many of them were, directly or indirectly, communicated to me. They were all in a similar strain \* \* \* that the French Government had changed their ground, and were sincerely disposed to negotiation and accommodation."<sup>4</sup>

After Gerry's departure, the French Government took another step which betrayed its extraordinary solicitude for peace. It made essentially the same overtures which it had made to Gerry except that it went to the further extent of giving assurances that it would receive any Minister the President might send) to Murray, the American Minister at the Hague, he being the most

<sup>1</sup> His letters were dated August 20th and September 5th. General Washington's reply will be found in his Works by Sparks, vol. xi. p. 376.

<sup>2</sup> Hamilton's answer, dated January 6th, will be found in his Works, vol. vi. p. 388.

It would appear from General Washington's letter to Lafayette (just named), and from Hamilton's, that Lafayette had informed both, that he purposed visiting the United States, to attempt to produce a reconciliation between the two countries. Both advised him not to come, on the ground that he would lose the confidence of "one party or the other, if not of both." Washington doubtless believed that no beneficial results would flow from his efforts.

Lafayette afterwards (February 10th, 1800) wrote Hamilton that it was principally owing to the advice of General Washington and the latter, that he did not visit the United States at this time. We cannot forbear to quote a sentence or two from the letter of the same date and wholly unselfish Lafayette:

"Oh, my dear friend, preserve your liberties; do not let party spirit and personal animosities be carried further than the proper balance in a wise, virtuous commonwealth, that you may have nothing to do with the diseases, nor even with the medicines. My whole heart is in the wishes I form for the continuance of your political, social, personal freedom, dignity and happiness."—*Hamilton's Works*, vol. vi. p. 426.

<sup>3</sup> Barlow's very able letter to General Washington (published in Sparks's Washington, vol. xi. p. 560), characterizing the dispute between the two countries as "literally a misunderstanding," and declaring on what General Washington believed the authority of the Directory, that the French Government contemplated just indemnity for spoliations on American commerce—a change in legislation that would put all neutrals on the footing of the law of nations—and would have sent a public agent to Philadelphia after Mr. Gerry's departure, had they been sure he would be well received, etc.; and the effect of this letter on Gen. Washington's mind will hereafter be more particularly noticed.

<sup>4</sup> Adams's Works, vol. ix. p. 243.

direct official avenue of communication with the United States besides Mr. King, to whom they could not be properly sent, as war then existed between England and France. They were communicated through M. Pichon, a highly respectable gentleman, well known in Philadelphia, where he had resided some years, as an *attaché* of the French embassy in the United States. He was Secretary of Legation at the Hague, and, in the then absence of the principal minister, was, of course, *Chargé d'Affaires*, in which capacity his acts, in this connection, were as official, formal and binding on his Government, as would have been those of an ambassador. In addition to showing Murray several manuscript letters of Talleyrand on the subject, he gave him, not only friendly, but apologetic assurances, which, between individuals, would have been considered as carrying the *amende honorable* beyond the point where it can be properly required, and closely to the verge of humiliation.<sup>1</sup> On reading Murray's correspondence with his Government, we cannot wonder at the exclamation of Liston, the English Ambassador in the United States, to the President: "To what humiliation will not these Frenchmen stoop to appease you?"<sup>2</sup>

<sup>1</sup> This correspondence is to be found in various publications. The copy now lying before us is in Adams's Works, vol. viii. Appendix, pp. 677-691, vol. ix. pp. 260, 262.

<sup>2</sup> See Adams's Works, vol. ix. p. 267.

## CHAPTER IX.

1798—1799.

Policy of the French Measures—Views of the American Parties—The President receives the French Overtures to Pacification—His Opinions of them—Questions to his Cabinet—Their Action thereon—The President's Conviction that France did not meditate War—Hamilton apprised of all the Facts—He urges on War Preparations however—Why this Change in his Views since 1797?—Don Francisco de Miranda—His Proposals to England and the United States to revolutionize Mexico and South America—British Cabinet accede to his Plans—Hamilton consulted through King—Miranda's Letter to Hamilton of April 6th, 1798—Hamilton engages in the Scheme, and asks the Command of the Land Forces—His Letters to King and Miranda—He engaged in this before hearing Result of the new French Mission he had urged—He knew the Miranda Scheme involved a War with France—British Cabinet accede to Hamilton's Proposals—King's Letters to Pickering—The British part of the Expedition ready—Miranda's Letter to the President—Offensive War against France meditated—Necessary as an Excuse to attack Spain—Views of the Republicans in the Summer of 1798—Their Apprehensions in regard to the Army—Their Suspicions of Hamilton—Jefferson to Taylor, of Caroline, on dissolving the Union—His Letter to Mason—The Nicholases at Monticello—The Kentucky Resolutions as drafted by Jefferson—Mr. Madison's View of their Import—Modified, and passed by Kentucky Legislature—Reasons for supposing Jefferson assented to or made the Modifications—Letter to Taylor, of Caroline—Passage of the Virginia Resolutions—Third Session of Fifth Congress—The President's Speech—An Error of Jefferson—The Senate "hint Logan" to Mr. Adams—His unfortunate Reply—Hamilton's Programme for Congress—It contemplated a subversion of the existing Government—Hamilton hints the Miranda Scheme to his Instruments in Congress—Proposes Preparations to carry out that Scheme—Letters to Gunn and Otis on the Subject—Origin of the "Logan Law"—Harper's Misstatements and Logan's Corrections—Passage and Character of this Law—Jefferson to Gerry—Objects of the Letter—Jefferson to Pendleton—Pendleton's Patriarchal Address—The Union of the Patriotic Extremes of the Revolution—What it proved and what it foreshadowed—Great War Preparations in Congress—Debts to be incurred in proportion—Jefferson urges the Republicans to avoid every Act and Threat against the Peace of the Union—Bills to continue Non-Intercourse with France, and to augment the Navy, passed—Jefferson raises Money to print Political Documents—Letters to Monroe and Stewart—Capture of the Retaliation—British impress Seamen from the United States Sloop of War Baltimore—Jefferson complains of the President's withholding the French Overtures—President nominates Murray Minister Plenipotentiary to France—The Federal leaders "Gravelled"—Sedgwick and Pickering to Hamilton on the Subject—Senate drive President to substitute a Commission—Ellsworth, Henry and Murray nominated and approved—Jefferson to Kosciuszko—To Madison—A scandalous Scene in the House of Representatives—Means sought to be employed by the Federal and Republican Chiefs to prepare for the decisive Contest—Jefferson's Letters to his Daughters.

**F**RANK had made a new, or continued an old, absurd error in treatment of the American Envoys. It is always absurd for

nations or individuals to resort to menaces where inclination or interest stands in the way of their execution, if they call out defiance instead of submission. And threatening is never the best method of calling back a friend to a real or supposed duty. Her "humiliations," as Mr. Liston characterized them, were therefore a meed due to her folly.

The American parties took different views of the subject. The Republicans thought insults from France thus apologized for, were not better causes of war, than insults from other quarters unapologized for; and had all the pacific efforts and assurances from France, recorded in the last chapter, been allowed to come directly before the American people, it is probably safe to say that nine-tenths of them, out of high political and army circles, would have concurred with the Republicans.

The Federal leaders on the other hand, discovered that these concessions sprung only from abject fear, and that therefore they afforded no reason for our withholding our chastising arm.<sup>1</sup> Yet we rarely find this boast uttered without being coupled with the wholly contrary hypothesis, that France was only seeking to gain time, and put us off our guard, preparatory to an attempt to conquer a portion or the whole of our country. Intimidated as France was, the "invasion" which we were raising armies, and preparing fortifications to withstand, was but a little way off! It is probable that there were persons who firmly believed both theories. Of the sincerity of the leaders of the war party we shall be better enabled to judge after we look, presently, into their confidential correspondences.

What were the effects of the pacific French news on the mind of an inconsistent, impulsive, but honest and patriotic President? It distinctly appears from his own subsequent

<sup>1</sup> To show the spirit which animated a portion of the Federalists at this period, let two or three facts suffice. So enraged were they, because Gerry remained for a brief period in France for the purpose of averting, as he believed, an immediate declaration of war, and consented to confer in a private capacity with its Government, that their presses represented his conduct as on a par with that of Benedict Arnold. The Secretary of State fiercely wrote the President that he "verily believed" Gerry guilty not only of "duplicity," but of "treachery;" and that "if he should not be impeached, not his innocence but political expediency alone should prevent it!" (Adams's Works, vol. viii. p. 618.) Austin, in his Life of Gerry, shows how the neighbors of the latter—the usually peaceful and orderly citizens of Massachusetts—demeaned themselves towards his family in his absence:

"Letters, anonymous or feigned, were sent to Mrs. Gerry [who resided at Cambridge], imputing his continuance in France to causes most distressing to a wife and mother. Yells were uttered and bonfires were kindled at night about his house, and on one occasion a guillotine was erected under the window, smeared with blood, and bearing the effigy of a headless man."

owals, that they wrought an undoubting conviction in his mind, that France was sincere in her proffers of a pacific and accommodation—that “if ever there was a regular diplomatic communication,” M. Pichon’s “to Murray” was one—that there were not “any words either in the French or English language, which could have expressed in a more solemn, a more explicit, or in a more decided manner, assurances of all he [the President] had demanded as conditions of negotiation,”—that “if, with all this information, he had refused to institute a [new] negotiation,” “he would have been degraded in his own estimation as a man of honor, he should have disgraced the nation he represented, in their own opinion, and in the judgment of Europe.”<sup>1</sup>

Mr. Adams received Murray’s two first letters on the 9th of October, 1798, and Talleyrand’s inclosed first one to Pichon returned from the State Department, where Mr. Adams had sent it to be deciphered) on the 18th of the same month.<sup>2</sup> These contained the opening French overtures for pacific negotiation with the United States, which we have seen the President so energetically characterizing.<sup>3</sup>

A letter of Gerry at this period, says Mr. Adams, “confirmed these assurances beyond all doubt in my mind, and his conversations with me at my own house in Quincy, if anything further had been wanting, would have corroborated the whole.” The letter of Gerry thus mentioned, was dated at Nantasket Road, October 1st, 1798. Mr. Adams’s family biographer asserts that the “conversations” referred to, “must have been the first week of October,” the same year.<sup>4</sup>

On the 20th of October, Mr. Adams addressed questions to his Cabinet through Mr. Pickering, in regard to some “things which deserved to be maturely considered before the meeting of Congress.” The first was whether it was expedient to recommend a declaration of war against France. The second was, whether any further proposals of negotiation could be made with safety; and whether there would be any use or advantage, in Europe or America, by uniting minds more in our favor, by

<sup>1</sup> These declarations, and others as strong, will be found in Mr. Adams’s Works, vol. pp. 245, 246. See also p. 241, and the twenty or thirty succeeding pages.

<sup>2</sup> The dates of their reception are particularly mentioned by Mr. Adams’s filial biographer and annotator. Adams’s Works, vol. viii. p. 676—note.

<sup>3</sup> See them in ib. pp. 680–684.

<sup>4</sup> Life of Adams, p. 533—note.

any such measure." "If any measure of this kind should be thought admissible who should be the man?" He suggested the names of Mr. Henry, Judge Patterson, Senator Rose, and Senator Stockton, "because while they were staunch Americans, they had not been marked or obnoxious to the French." He also named several other individuals, and among them Mr. Murray. Mr. Adams's biographer states, that instead of the Cabinet "sending any answer, or entering into a discussion of the questions involved, a consultation was had, denominated by Mr. Jefferson, 'a military conclave,' from the presence of some of the general officers then assembled in Philadelphia, and especially of Mr. Hamilton, at which a draft of a message was prepared, obviously designed to preclude the President's action upon the suggestions therein contained," and that "this draft was probably made by Mr. Wolcott, under the direction of Mr. Hamilton."<sup>1</sup>

The President adopted the body of the draft, but introduced an essential modification of the clauses in respect to France (as will hereafter appear), to keep open the door for adjustment. Hamilton afterwards said of his conduct on this occasion:

"In vain was this extension of the sentiment opposed by all of his ministers, as being equally incompatible with good policy, and with the dignity of the nation—he obstinately persisted, and the pernicious declaration was introduced."<sup>2</sup>

Mr. Adams's clear and decisive conviction at the period he thus consulted his Cabinet, that there was no danger of a war with France; that the cry of "invasion," kept up by a portion of the Federal party, was destitute of a color of foundation; and that he in his heart was thoroughly sick of the military preparations going on, appears in a letter to the Secretary of War, of October 22d.

"There has been no national plan, that I have seen, as yet formed for the maintenance of the army. One thing I know, that regiments are costly articles every where, and more so in this country than in any other under the sun. If this nation sees a great army to maintain, without an enemy to fight, there may arise an enthusiasm that seems to be little foreseen. At present there is no more prospect of seeing a French army here, than there is in Heaven."<sup>3</sup>

We have already alluded to the change in General Hamil-

<sup>1</sup> Adams's Works, vol. viii. p. 610—note.

<sup>2</sup> Hamilton's Works, vol. vii. p. 705.

<sup>3</sup> Adams's Works, vol. viii. p. 613.



's feelings in respect to a war with France since 1797. During the recent excitement on this subject, he was foremost in advocating extensive preparations for war. He appears to have approved all the measures in that direction during the Congressional session of 1797-98. His hand now clutched the sword of command. He ranked next to Washington, and all understood the latter had accepted the position of Commander-in-Chief only for an exigency, and would be likely soon to retire.

General Washington did not anticipate an "invasion." Adams had no expectation of a war. The Cabinet were surprised of the French overtures through our Minister at the Hague, and three of the secretaries had no secrets with Hamilton. They communicated with him quite as freely as with the President, and far more confidentially. After reading Pickens's, Wolcott's and McHenry's letters to him throughout the war, it would be absurd to conjecture that any Cabinet secrets or intelligence were withheld from him; and the "military conference" at Philadelphia had afforded every facility for orally communicating them. King wrote him from London, September 23d, "You will have no war."<sup>1</sup>

With all this information, and with more of the same tenor constantly accumulating, we have seen that Hamilton subsequently bitterly reproached the President for leaving open a loophole for accommodation with France in his speech to the succeeding Congress. We shall find him urging on that Congress vastly more extensive warlike preparations than any yet made. We shall find the ghost of a French invasion raised to serve as an excuse and cover for these preparations—but confidential associates apprised of an utterly different and most dependent design. We shall find a determined—literally, a pledged—effort on the part of Hamilton and his followers, in the Cabinet and in Congress, to prevent the reopening of negotiations with France. We shall find this faction filled with mortification and rage when that negotiation was reopened, which, with so little difficulty or delay, led to an honorable and advantageous pacification. Whence this almost incredible change in Hamilton's views from those entertained in 1797? The answer

<sup>1</sup> For the letter entire, see Hamilton's Works, vol. vi. p. 359.



to this question involves facts which cannot be passed over in the most cursory explanation of the political history of this eventful period.

We must first introduce a remarkable man. Don Francisco de Miranda was born in Caracas, of which his grandfather was governor. His tastes were literary, and he received fine educational advantages; but at seventeen he repaired to Spain, and obtained a captain's commission in its army. He was in the portion of the army destined to act with the French who were sent to North America to aid the British colonies in their war of independence. Miranda, we believe, had no part in that struggle, but he imbibed ideas from the French officers and from the occasion which colored the whole history of his future life. Thenceforth the object of his life was the emancipation of his native land from the thralldom of Spain.

At the close of the American War he visited the United States, and went from thence to England. He traversed Central and Southern Europe—a good deal of it, it is said, on foot—and then repaired to Russia. The Empress treated him with uncommon distinction and kindness, promised to aid in the execution of his plans, and invited him to draw on her treasury for his personal support.<sup>1</sup>

He returned through France and reached England in the beginning of 1790. The latter was then engaged in the dispute with Spain in regard to the affair of Nootka Sound. Miranda opened his designs against the Spanish power in South America to Mr. Pitt, who received them cordially, and “it was resolved if Spain did not prevent hostilities by submission, to carry the plan into immediate execution.”<sup>2</sup> When the affair between the governments was adjusted, the project was suspended, but the Minister assured Miranda that it would not be lost sight of by himself or any of his successors.

The latter then went to France, and soon became engaged in its Revolution. He rose to the rank of a major-general, was next in command to Dumouriez in Champagne and Belgium, and, when the latter entered Holland, was directed to besiege Macstricht. He was unsupported, and failed. He commanded the left wing in the battle of Neerwinden, and Dumouriez, very

<sup>1</sup> *Edinburgh Review*, vol. xiii. p. 287.

<sup>2</sup> *Ibid.* p. 285.

unjustly it is believed, imputed to him the loss of the day. His South American designs were known to and received the warm approbation of the Girondist leaders.'

He declared against the Jacobins, and was soon summoned before the revolutionary tribunal. He escaped conviction, and on the fall of Robespierre escaped confinement. He was subsequently offered the command of an army, but replied, "he had fought for liberty, it was not his purpose to fight for conquest." This was in 1795.\*

Miranda, not long after, was met at Paris by certain representatives from Mexico, and the South American provinces, to concert on a plan for securing their common independence from Spain. They drew up an instrument, and Miranda was directed to present it to the British Government. It was dated December 22, 1797, and contained among others the following proposals: the aid of Great Britain was to be asked, and South America was to pay thirty millions sterling for its aid; the fourth article proposed a permanent defensive alliance between England, the United States, and South America; the sixth

\* Brissot pays him the following high-colored tribute in a letter to Dumouriez, dated Paris, November 28th, 1792:

"L'Espagne se mûrit pour la liberté; son Gouvernement reprend ses préparatifs; il faut donc faire ses préparatifs pour réussir; ou plutôt pour y naturaliser la liberté. Il faut faire cette révolution et dans l'Espagne Européenne et dans l'Espagne Américaine. Tout doit coïncider. Le sort de cette dernière révolution dépend d'un homme; vous le connaissez, vous l'estimez; c'est Miranda. Dernièrement les ministres cherchèrent par lui ils remplaceraient Desparbès à St. Domingue—un trait de lumière m'a frappé: j'ai dit, nommez Miranda—Miranda d'abord aura bientôt apaisé les misérables qu'on appelle colonies; il aura bientôt mis à la raison ces blancs si turbulents, et il deviendra l'idole des gens de couleur. Mais ensuite avec quelle facilité ne pourra-t-il pas faire lever, soit les îles Espagnoles, soit le continent Américain qu'ils possèdent? A la tête de plus de 12,000 hommes de troupes de ligne qui sont maintenant à St. Domingue. 10,000 à 15,000 braves Mulâtres que lui fourniront nos colonies, avec quelle facilité ne pourra-t-il pas envahir les possessions Espagnoles? Ayant d'ailleurs une flotte à ses ordres, et lorsque les Espagnols n'ont rien à lui opposer. Le nom de Miranda lui vaudra une armée; et ses talens, son courage, son génie, tout nous répond du succès. Les ministres sont tous d'accord sur ce choix, mais ils craignent que vous refusiez de céder Miranda, d'autant plus que vous l'avez choisi pour remplacer Bourdonnaye. J'ai promis ce matin à Monge que je vous écrirais, et il m'a donné sa parole qu'il nommerait Miranda Gouverneur-Général si vous consentiez à le laisser partir. Attendez vous donc d'envoyer votre consentement. Vous ajouterais-je que notre excellent ami Genoussé est du même avis—il vous en écrira demain, Clavière et Petion sont enchantés de cette idée."

\* Edinburgh Review, vol. xiii. p. 289.

\* This entire article, as presenting the basis and objects of the league, is too curious to be presented entire:

"Une alliance défensive formée entre l'Angleterre, les Etats Unis d'Amérique, et l'Amérique Méridionale, est tellement recommandée par la nature des choses, par la situation géographique de chacun des trois pays, par les produits, l'industrie, par les besoins, les mœurs, et le caractère de ces trois nations, qu'il est impossible que cette alliance ne soit pas de longue durée; surtout si on prend soin de la consolider par l'analogie dans la forme politique des trois Gouvernements, c'est-à-dire par la jouissance de la liberté civile, sagement entendue; on pourrait même dire avec confiance, que c'est le seul espoir qui reste à la liberté, audacieusement outragée par les maximes établies avouées par la république Française. C'est le seul moyen encore de fermer

article stipulated the opening of the navigation between the Atlantic and Pacific oceans, by the isthmus of Panama, and by the lake of Nicaragua, and the guaranty of its freedom to Great Britain; the ninth and tenth articles provided for ceding to the United States all territory east of the Mississippi, and for a stipulation by the latter to furnish a small military force to aid in effecting the revolution; the eleventh article proposed to resign all the Spanish islands except Cuba, the possession of which was necessary, as the Havana commanded the passage from the Gulf of Mexico.<sup>1</sup>

Mr. Pitt welcomed the return of Miranda to England, and in January, 1798, the latter had an interview with the Minister, whom he found ready to reëmbark with ardor in his plans. As it was anticipated that Spain would offer no effectual resistance to the armies of France, and that both she and her colonies would consequently henceforth be used for the advantage of France, England considered it expedient to anticipate the latter power in securing these advantages by despoiling her own ally.

Either Miranda opened his projects directly, or through Mr. King, to Alexander Hamilton, about the same time he did to Mr. Pitt; or else the transmission of intelligence between them across the ocean was uncommonly rapid, for Miranda wrote to Hamilton, April 6th, 1798:

"Celle-ci vous sera remise mon cher et respectable ami, par mon compatriote Don \*\*\* \*\*\*\*\*, chargé des dépêches de la plus haute importance pour le Président des États Unis; il vous dira confidentiellement *ce que vous voudrez apprendre sur ce sujet*. Il paraît que le moment de notre émancipation approche;—et que l'établissement de la liberté sur tout le continent du nouveau monde nous est confié par la Providence. Le seul danger que je prévois c'est l'introduction des principes Français qui empoisonneraient la liberté dans son berceau, et finiraient par détruire bientôt la votre."<sup>2</sup>

Hamilton wrote to King, August 22d, 1798:

"I have received *several letters* from General Miranda. I have written an answer to some of them, which I send you to deliver or not, according to your estimate of what is passing in the scene where you are. Should you deem it expedient to sup-

une balance de pouvoir capable de contenir l'ambition destructive et dévastation du système Français."

<sup>1</sup> For a synopsis of the articles (and fourth entire), see *Edinburgh Review*, vol. xiii. p. 290. *et seq.*

<sup>2</sup> This letter is not published in the Works of Hamilton. The extract we have given will be found in the *Edinburgh Review*, vol. xiii. p. 291, published more than forty years before the answer, which we shall give, appeared in print.

press my letter, you may do it, and say as much as you think fit on my part in the nature of a communication through you.

With regard to the enterprise in question, I wish it much to be undertaken, but I should be glad that the principal agency was in the United States, they to furnish the whole land-force if necessary. *The command in this case would very naturally fall upon me*; and I hope I should disappoint no favorable anticipations. The independence of the separate territory under a moderate government, with the joint guaranty of the coöperating powers, stipulating equal privileges in commerce, would be the sum of the results to be accomplished.

Are we yet ready for this undertaking? Not quite. But we ripen fast, and it may, I think, be rapidly brought to maturity, if an efficient negotiation for the purpose is at once set on foot on this ground. Great Britain cannot alone insure the accomplishment of the object. I have *some time since* advised certain preliminary steps to prepare the way consistently with national character and justice. I was told they would be pursued, but I am not informed whether they have been or not."<sup>1</sup>

The inclosed letter to Miranda was as follows :

NEW YORK, August 22d, 1798.

SIR :

I have lately received by duplicates your letter of the sixth of April, with the postscript of the 9th of June. The gentleman you mention in it has not made his appearance to me, nor do I know of his arrival in this country; so that I can only divine the object from the limits in your letter.

The sentiments I entertain with regard to that object *have been long since in our knowledge*, but I could personally have no participation in it, unless patronized by the Government of this country. It was my wish that matters had been ripened for a coöperation in the course of this fall, on the part of this country. But this can now scarcely be the case. The winter, however, may mature the project, and an effectual coöperation by the United States may take place. In this case, I shall be happy, in my official station, to be an instrument in so good a work.

The plan, in my opinion, ought to be—a fleet of Great Britain, an army of the United States, a Government for the liberated territory *agreeable to both the coöperators, about which there will be no difficulty*. To arrange the plan, a competent authority from Great Britain to some person here, is the best expedient. Your presence here will, in that case, be extremely essential.

We are raising an army of about twelve thousand men. General Washington has resumed his station at the head of our armies. I am appointed second in command.

With esteem and regard,

I remain, dear sir, etc.,

ALEXANDER HAMILTON.<sup>2</sup>

As late as the 11th of May, 1797, we find Hamilton insisting on pacific measures towards France, and proposing, in order to secure the desired result, not only to join Jefferson in a commission to the Directory, but to confer on him a separate commission "envoy or ambassador extraordinary for representation."<sup>3</sup>

<sup>1</sup> Hamilton's Works, vol. vi. p. 347

<sup>2</sup> Ibid. p. 348.

<sup>3</sup> Ibid. p. 247.

And for some preceding period this wise and patriotic purpose had been the theme of his repeated and pressing letters to his followers in the President's Cabinet. His published correspondence towards the close of 1797 is very meagre, and we find nothing further on the subject.

The first dispatches from the American envoys in France, communicating supposed new unfriendly acts and purposes of that power, reached the American Government on the 4th of March, 1798, and their tenor was the next day communicated to Congress. General Marshall left Paris on the 12th of April, 1798, and France on the 16th of the same month. The precise date of Pinckney's departure is not before us, but his dismissal was of the same period. Thus, before a knowledge of the results of a mission which Hamilton had so urgently recommended to secure a pacification with France, was received in the United States, he was, as Miranda's first-quoted letter to him shows, in correspondence, and supposed fully acquiescing correspondence, with men who were maturing a great scheme for an alliance in which one of the chief objects of the principal party was to diminish advantages now possessed by France, and obtain most momentous future ones over her—and where General Hamilton knew that the participation of the United States must lead to a severe war with France. And we soon shall have abundant evidence that he desired that result!

No one can suppose that between the fourth of March, when the unfavorable dispatches were received from France, and the 6th of the following April, there was any chance for those intercommunications between Miranda and Hamilton, to originate and progress to a point where the former could have felt it proper to address the latter as a confederate, and send a confidential messenger to him to make further arrangements. Had Hamilton been in Philadelphia when the dispatches arrived—had he instantly been made acquainted with their contents (those in cipher and all)—had he previously received proposals from Miranda, and then first determined to accept them<sup>1</sup>—had he immediately expressed that acceptance—had he found a vessel ready to take his letter as soon as he could write and seal it—had the vessel made the best dispatch to England—had Miranda been at the wharf to receive it—had he immediately prepared

<sup>1</sup> And this would be the most favorable possible construction for him.

his answer and named his emissary, there might have been a little more than time, as vessels then sailed, to accomplish all these objects. But there is no reason whatever for supposing any such hot haste was used, or that any such concatenation of circumstances favored rapid correspondence. There are no signs of flurry in the extract from Miranda's letter. It sounds not as if written under any pressure, or by a man who had been relieved from any doubts by a communication just placed in his hands.<sup>1</sup>

There was nothing, moreover, in the dispatches received from France on the 4th of March, suddenly and utterly to change the views of a grave statesman, deeply anxious for peace. Our two envoys were not ordered out of France when Miranda's letter was written. In a word, not a reasonable doubt can exist in any man's mind that, before General Hamilton had heard a word concerning the reception of our envoys, Miranda had received those assurances from him directly, or through Mr. King, which (in the language of the *Edinburgh Review*) led him to think himself "authorized to write" such a letter as that of April 6th. And it will presently appear from letters which we shall quote, written by King to Pickering, that this whole scheme of a triple alliance was on foot, and had the lively sympathies of the former, two or three months before Miranda's first above-quoted letter to Hamilton. Is it probable that Pickering was informed of the affair earlier than Hamilton? Is it probable that King warmly embarked in it without first understanding the feelings of the man whom he principally consults and places foremost in everything connected with it?

Whether it is to be inferred that a connection existed between Hamilton's radical change of views in regard to a pacification with France, under the circumstances stated, and his adhesion

<sup>1</sup> We have given all of the extract as we find it in the *Edinburgh Review*. The article in the *Review* was evidently prepared by a person with original papers before him. He clearly was an admirer of Miranda, and wrote in a friendly spirit to Hamilton. He introduced the extract given as follows: "The outline of the proceedings was fully agreed upon; and so far had the preparations advanced that General Miranda, in a letter to Mr. Hamilton, the much lamented legislator of the United States, dated 6th of April, 1798, thought himself authorized to write in the following terms." Here the writer was showing precisely what we are investigating—the stage or progress of the negotiations between Miranda and Hamilton, in April, 1798. If, therefore, any part of Miranda's letter had thrown more light on this special fact, by alluding to a letter of adhesion immediately before received (an intimation we should expect were such the fact), or by any other allusion or expression indicating that haste was employed, the writer of the *Review* article made an improper, if not a dishonest suppression—at variance with the entire spirit of his publication—a hypothesis that cannot be reasonably entertained.



to the "Miranda scheme," every one must form his own conclusion.

There appears to be no question that Hamilton's three followers in the President's Cabinet were fully apprised of that scheme.<sup>1</sup> Whether this had anything to do with their anxiety to place him second in command in the army, and where he would soon, in all probability, succeed to the first place, we also leave every one to judge.

One thing is certain, Hamilton wrote Miranda that he should be happy, "in his official station," to be an "instrument in so good a work." And to King he proposed that the command of the land forces be devolved on himself.

On the 20th of October King answered Hamilton :

"I have received your letter of the 22d August, with the inclosure [letter to Miranda] that has been delivered as directed. On that subject things are here as we could desire. There will be precisely such a coöperation as we wish the moment we are ready. The Secretary of State will show you my communication on this subject. Though I have not a word from him respecting it, your outline corresponds with what had been suggested by me, and approved by this Government."<sup>2</sup>

Thus it appears that a definite understanding was reached between the British Cabinet and the American Minister that the United States should furnish the land forces for a military expedition to revolutionize Mexico and South America, and that Hamilton should be the commander of those land forces!

We are not (much to our regret) able to furnish King's letter to the Secretary of State, referred to in the letter to Hamilton just quoted; but we find a couple of earlier ones. He wrote Pickering, February 26th, 1798, that two points had been settled by the British Cabinet within a fortnight: that if Spain could prevent the overthrow of her government by France, England would enter into no scheme to deprive her of her colonies; but if it was otherwise, England "would immediately commence the execution of a plan, long since digested and prepared, for the complete independence of South America;" would propose to the United States to coöperate in its execution, and that

<sup>1</sup> See Rufus King to Pickering, Feb. 26th and April 6th, 1798 (Adams's Works, vol. viii. p. 585, 586), and several contemporaneous letters of Pickering to Hamilton's Works. See Wolcott to Trumbull, July 18, 1799. (Gibbs's Administrations, etc. vol. ii. p. 246.) See McHenry to Hamilton, June 27th, 1799. (Hamilton's Works, vol. v. p. 283.)

<sup>2</sup> Hamilton's Works, vol. vi. p. 368.

Miranda would be detained there, on one pretence or another, until events should decide the conduct of England. He said, 'the revolution of Spain was decreed,' and that "the President might expect, therefore, the overture of England."

In another letter to the same on April 6th, Mr. King declared that "South America must soon pass through a revolution"—that an English "expedition had been prepared, and the correspondent arrangements had been ordered for the purpose of beginning the revolution of South America"—that England would in this event open herself to and ask the coöperation of the United States. He again more distinctly intimates that Miranda is kept "ignorant of the provisional decisions" of the British Cabinet.

In a letter from Miranda to President Adams, we get several valuable hints; and we learn what he supposed to be the plan of government agreed on by the contracting parties for South America. We can make room only for the following extracts :

A LONDRES, ce 24 Mars, 1798.

MONSIEUR LE PRÉSIDENT :

C'est au nom des colonies Hispano-Américaines, que j'ai l'honneur d'envoyer à votre Excellence les propositions ci-jointes. Elles ont été présentées également aux ministres de sa Majesté Britannique, qui les ont reçu très favorablement, en témoignant beaucoup de satisfaction d'avoir à agir dans un cas pareil avec les États-Unis de l'Amérique. Et il me semble que le délai que j'éprouve (affligeant réellement, dans un moment aussi pressant) résulte précisément de l'attente où le gouvernement Anglais paraît être, de voir l'Amérique du Nord décidée à rompre définitivement avec la France; par le désir qu'elle a de faire cause commune, et de coöperer ensemble à l'indépendance absolue du continent entier du Nouveau-Monde.

Enfin j'espère que le petit secours dont nous avons besoin pour commencer, et qui se réduit à six ou huit vaisseaux de ligne, et quatre ou cinq mille hommes de troupes, nous le trouverons facilement tant en Angleterre que dans l'Amérique; mes souhaits seraient que la marine fût Anglaise, et les troupes de terre américaines. Veuillez la Providence que les États-Unis fassent pour ses compatriotes du sud en 1798, ce que le roi de France fit pour eux en 1788.

Je me félicite toujours de voir à la tête du pouvoir exécutif Américain cet homme distingué, qui par son courage rendit son pays indépendant, et qui par sa sagesse lui donna après un gouvernement bien balancé, en sauvant ainsi la liberté. Nous profiterons sans doute de vos savantes leçons, et je me réjouis de vous apprendre d'avance que la forme de gouvernement projeté est mixte, avec un chef héréditaire du pouvoir exécutif sous le nom d'Ynca, et, ce que j'aime d'avantage, pris dans la même famille; un Sénat composé de familles nobles, mais non héréditaire; une Chambre des communes élue parmi tous les autres citoyens qui auront une

<sup>1</sup> Adams's Works, vol. viii. p. 686.



propriété compétente. Telle est l'esquisse de la forme de gouvernement qui paraît réunir la majorité des suffrages dans le continent Hispano-Américain, et qui empêchera sans doute les conséquences fatales du système Franco-républicain, que Montesquieu appelle *la liberté extrême*.

On the 19th of October, Miranda again wrote to Hamilton:

"Vos souhaits sont en quelque sorte remplis, puisque on est convenu ici que, d'un côté, on n'employera point aux opérations terrestres des troupes Anglaises, vu que les forces auxiliaires de terre devront être uniquement Américaines, tandis que de l'autre, la marine sera purement Anglaise. Tout est applani, et on attend seulement le *fat* de votre illustre Président pour partir comme l'éclair."<sup>1</sup>

We have now the outlines of the project complete, and the fact that towards the close of 1798 it waited for nothing but the action of the United States Executive to go into immediate process of execution. Hamilton, we have seen, wrote King that we were "not quite" ready, but that "we ripened fast."

Not only was the war to embrace all the possessions of Spain in South America and the West Indies, but also it was fully in the contemplation of Hamilton and his followers, to make it an active war—one of invasion even, in the West Indies—on the part of the United States against France. King constantly urges this policy on Hamilton; openly laments at every prospect of pacification;<sup>2</sup> and darkly hints that if any negotiation is recommenced, it should be confided to hands "above all suspicion"—that is, all suspicion of adverse views.<sup>3</sup> Hamilton avowed these views to his instruments in the succeeding Congress, and his followers there, knowing his design, did their best to make the preparations for it he demanded.<sup>4</sup>

In truth, a war against France was the only pretext which could be found for the United States to attack the possessions, or forcibly liberate the colonies of Spain, with whom we were at that period at perfect peace, and with whom we had not even an important pending diplomatic controversy. But she was in a state of dependence on, or subserviency to, France, and if we should engage in a war with France, we should have the same excuse that England made for depriving Spain of her colonies—

<sup>1</sup> Edinburgh Review, vol. xiii. p. 291. Not in Hamilton's Works.

<sup>2</sup> See King to Hamilton, Hamilton's Works, vol. vi. pp. 314, 357, 359, 368, 369, 411, etc.

<sup>3</sup> Ib. p. 359.

<sup>4</sup> We defer explicit proofs of both of these assertions only until our narrative brings us to the period mentioned.

that the resources of the latter were at the disposal of our enemy. And the pretext actually cost nothing additional; for if we attacked the Spanish possessions without it, France was certain to make common cause with them against any coalition in which England was a sharer, especially where she received the principal share of the advantages resulting to the external parties.

Before entering upon a sketch of the proceedings of the third session of the Fifth Congress, we must turn aside to trace the history of another affair which exercised a most important influence on the course of national events.

The Republicans had borne many measures which they believed unconstitutional and oppressive, relying on time, reflection, and the ballot-box, to bring back things ultimately to their proper channel. The arbitrary Alien Laws were regarded by them with abhorrence. The Sedition Law, not only theoretically but practically destroying the liberty of speech, and of the press in political affairs, was viewed as a still more dangerous stride towards the overthrow of popular government. Every conviction which took place under it, sent a fresh thrill of apprehension and detestation to the bosoms of the popular masses; and they felt that if this daring encroachment was sustained, the die was cast against popular liberty.

The Republicans might have still trusted entirely to the ballot-box, during 1798—during the American “Reign of Terror,” as Randolph named it—but for a circumstance which they regarded as far more serious than the temporary pressure of unconstitutional and oppressive laws. That circumstance was the organization and officering of the army voted by the last Congress. If the Federalists are found acknowledging before the close of the year, that all prospect of a war with France was out of the question (unless we voluntarily forced that alternative on her), the Republicans had believed so from the outset—or after the first momentary panic produced by the dispatches of our envoys was over. They believed that the cry of a French invasion” was only a pretext to raise and place at the disposal of the Government an army of regulars which could be employed to execute its designs at home, as well as against external enemies.

The officering of the army deepened—nay, gave unalterable fixedness to this foreboding impression. It is not probable that

any beyond those lunatics to be found in every party in periods of high excitement, had the most distant idea that the sword of Washington could ever be employed against that liberty which it had been the most signal instrument of achieving, and placing on its present constitutional foundations. But all knew that the physical vigor of the Lieutenant-General had been sacrificed for his country—that he was subject to sudden and severe attacks of disease—that he was liable at any moment (as was soon to be mournfully verified) to be suddenly cut off. All felt that it was impossible that he had accepted the command of the army but for an exigency, and that when that exigency passed, he would resign.

Next him, and on his retirement the senior in command, was the man to whom the Republicans attributed a larger share than to any other person of the origination of the present systematic effort to reduce the popular features in our government to as low a standard, in all save election, as they then held in England; and they also expected that an attack on the elective feature would promptly follow success in the present undertaking. The public did not know that Hamilton, so far from being a mere coadjutor of the President, was the prime engineer—that John Adams had always been doubtful and reluctant, and now, when the delirium of excitement was passing away, that his better sense was presenting the chalice of too late repentance<sup>1</sup> to his lips.

Yet, while less informed and burning partisans, equally dreaded and hated Adams and Hamilton, we believe those who had better facilities of information, and particularly those who had mixed in public life, continued to make a broad distinction between the political character and purposes of the two men, even during the "Reign of Terror," when Adams officially stood responsible for the obnoxious legislation of his party, and Hamilton, until called into the army, was but a private citizen. Jefferson, for example, it subsequently clearly appears, suspected that Hamilton was preparing for his "crisis,"<sup>2</sup> and to decide it by the sword. He believed Mr. Adams something very differ-

<sup>1</sup> We are authorized by no express declaration of Mr. Adams to say that he literally repented the passage of the Alien and Sedition laws, the army bills, etc. But we infer it from his views already quoted, from his subsequent declarations, and more still from his conduct. His life and writings, as a whole, in our judgment, clearly sustain this view. And we need not say that we regard it as a most creditable one to him.

<sup>2</sup> See vol. i. p. 680.

ent from a Republican, and at this moment completely infatuated by bad advisers, and by the hot indiscretion and ungovernable temper which formed a part of his character. He believed him insanely anxious for a war with France. But he suspected him, we think, of no systematic design to overthrow the constitution, or to call in force, if force proved necessary to effect that object.

Most of the Republicans who were versed in public affairs, made the same distinction between the men. And even with the most ignorant, there was something in the frankness and urgency of John Adams's nature, and much in his history, that not only told common instincts that he was not a plotter, but carried a strong appeal to the latent affections and magnanimity of the rudest men. There never was an hour in John Adams's life when he did not command the affections of the masses of his own party. There never was an hour when had he stood up in his bravery, and in his perfect Americanism, before a popular audience of his opponents, and appealed to them in his rugged, powerful eloquence, that he would not have carried the personal sympathies of many—of all who can love a man for his heart, though they disagree with his head.

It was otherwise, wholly otherwise, with Hamilton. None but so devoted a coterie of sub-chiefs, but not a single chord of sympathy united the popular heart to him. He was generally beaten in his State, and generally beaten in the place of his residence. No popular audience ever loved to listen to him. When he attempted to address a meeting called in the city of his residence, to express the public sentiment on Jay's treaty, he was stoned. Nothing but a very commanding Federal majority could have secured his election to any popular office at an advanced period of his career. He was careful never to risk such an experiment—or else he had no inclination for elective office. He was not merely an unpopular man, but among opponents and even among lukewarm partisans of his own side, was a suspected and dreaded man. Without being able to tell why, people feared his purposes. He could take no step which did not, by some fatality, deepen these impressions, and he never was more unfortunate in this respect, than when he attempted anything for popularity. There are a class of men, like John Hampden, whom the people spontaneously love. There are a class of men infinitely below the moral and intellectual rank of Hampden—stained, it may be

with serious faults—who still find a large and permanent place in the popular sympathy. There are a class of men who, although independently of known facts, are instinctively feared. The brave and the patriotic are often temporarily unpopular, but they are rarely, where their lives are before the public, suspected or dreaded. Whether Hamilton's steady unpopularity was based upon a pure misconception of his character—whether that misconception which he pronounced a "deformed and blind monster," took a Hampden for a Strafford, must soon be decided, so that his acts throw light on the question; for the sands of his reputation were now counted, and were swiftly running out.

But, whatever the justice or injustice of the sentiment, the Republicans saw this man placed over every Revolutionary name but one in an army which they believed had no other foe to encounter—when they believed that he must very soon (as soon as the idea of a French war gave place to one of employing the army in any other way) succeed to the chief command—when they looked through the list of officers and found them all selected from one side—they believed the "crisis of the Republic had come. Mr. Adams, it subsequently appeared, would have chosen to commission some general officers (at least one) from the Republican side. But the practical exclusion was so rigorous, that Jefferson used afterwards laughing to say, that when he came to the Presidency, he found but only the officers of the army who had supported him.'

<sup>1</sup> We have mentioned already that even the calm and good first President was persuaded by constant and artful misrepresentations to believe that the Republicans could not be trusted in case of a war with France. He wrote the Secretary of War, September 5, 1798:

"Under the rose, I shall candidly declare, that I do not, from my present recollection of them, conceive that a desirable set [of officers] could be formed from the old generals, some having never displayed any talents for enterprise, and others having shown a general opposition to the Government, or predilection to French measures, be their personal conduct what it may. Those, who will come up with a flowing tide, will descend with the ebb, and there can be no dependence placed upon them in moments of difficulty."—*Sparks's Washington*, vol. xi. p. 256.

These views are repeated in a letter to the same, September 30, 1798.—See *ib.* p. 317.

After the higher commissions were filled, he wrote the same, October 15th, 1798, in respect to the proper "instructions of the generals" for "selecting fit characters for the lower offices. After saying that he thought the first preference should be given to officers of the Revolutionary army, in the prime of life, etc., he added:

"Secondly, if such are not to be found, next to young gentlemen of good family, liberal education, and high sense of honor; and thirdly, in neither case to any well known enemies to their own Government; for they will as certainly attempt to disturb the military as they have done in the civil administration of their country."—*ib.* p. 324.

These views are repeated in a confidential letter to Brigadier-General Davis, in regard to the provisional army, in which, as Commander-in-Chief, General Washington advised him in regard to the selection of subordinates.—See *ib.* p. 336.



The feelings of his party at this period are reflected by Jefferson. In May, 1798, he had been shown a letter written by the celebrated Virginia statesman, John Taylor of Caroline, in which the latter had said, "that it was not unwise now to estimate the separate mass of Virginia and North Carolina, with a view to their separate existence." Jefferson thus wrote Taylor from Philadelphia, June 1st, on that text :

"In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords; and one of these, for the most part, must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to induce each to watch and delate to the people the proceedings of the other. But if on a temporary superiority of the one party, the other is to resort to a scission of the Union, no federal government can ever exist. If to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New England States alone cut off, will our nature be changed? Are we not men still to the south of that, and with all the passions of men? Immediately we shall see a Pennsylvania and a Virginia party arise in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game, too, will the one party have in their hands, by eternally threatening the other that unless they do so and so, they will join their northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple units. Seeing, therefore, that an association of men who will not quarrel with one another is a thing which never yet existed, from the greatest confederacy of nations down to a town meeting or a vestry; seeing that we must have somebody to quarrel with, I had rather keep our New England associates for that purpose, than to see our bickerings transferred to others."

"Better keep together as we are, haul off from Europe as soon as we can, and from all attachments to any portions of it; and if they show their power just sufficiently to hoop us together, it will be the happiest situation in which we can exist. If the game runs sometimes against us at home, we must have patience till luck turns, and then we shall have an opportunity of winning back the principles we have lost. For this is a game where principles are the stake. Better luck, therefore, to us all, and health, happiness, and friendly salutations to yourself."

The provisional army was officered, and its organization commenced. Recruiting stations were opened throughout the country. Military bodies began to meet the eye. Fifes, and drums sounded throughout the land. It is probable the rattle of musketry and the roar of artillery began to break on the ear as they were disciplined in gun practice!

Jefferson, on the 26th of September, wrote the letter we have seen to Mr. Rowan. On the 11th of October, he thus addressed

Stephens Thompson Mason, one of the senators in Congress from Virginia :

"The XYZ fever has considerably abated through the country, as I am informed, and the Alien and Sedition Laws are working hard. I fancy that some of the State legislatures will take strong ground on this occasion. For my own part I consider those laws as merely an experiment on the American mind, to see how it will bear an avowed violation of the Constitution. If this goes down, we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of succession to his heirs, and the establishment of the Senate for life. At least this may be the aim of the Oliverians, while Monk and the Cavaliers (who are perhaps the strongest) may be playing their game for the restoration of his most gracious majesty George the Third. That these things are in contemplation, I have no doubt; nor can I be confident of their failure, after the dupery of which our countrymen have shown themselves susceptible."

This letter betrays unwonted excitement.

Towards the close of October, George and Wilson C. Nicholas, then being at Monticello, discussed with Mr. Jefferson, the plan of the leading Republicans, who "finding themselves of no use" in Congress, "brow-beaten as they were by a bold and overwhelming majority," had "concluded to retire from that field, and to take a stand in the State legislatures," against their opponents' "enterprises on the Constitution." They deliberated on engaging the coöperation of Kentucky, with Virginia, in an "energetic protestation against the constitutionality of those laws," and the "sympathy between" these States "was more cordial and more intimately confidential, than between any other two States of the Republic."

The brothers pressed Mr. Jefferson strongly "to sketch resolutions for that purpose," which George Nicholas, then a resident of Kentucky, agreed to present to its legislature. Having obtained their "solemn assurance" that it should not be known from what quarter the resolutions came, Jefferson drafted them. The Nicholases faithfully kept the secret, and it was not until 1821, that Jefferson, in answer to a direct letter of inquiry from a son of George Nicholas, avowed his agency in the transaction. It is from this letter we have drawn the preceding particulars.

The resolutions thus prepared were substantially those which soon became famous throughout the United States as the "Kentucky Resolutions." Two drafts of them, the original and a fair

<sup>1</sup> December 11, 1821.

py, in Mr. Jefferson's handwriting, were found among his papers, and a copy is given in the Congressional edition of his works.<sup>1</sup> The first resolution is as follows :

"1. *Resolved*, That the several States composing the United States of America, not united on the principle of unlimited submission to their general Government, that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general Government for special purposes—delegated to that Government certain definite powers, reserving, to each State to itself, the residuary mass of right to their own self-government; and that whenever the general Government assumes undelegated powers, its acts are unauthorized, void, and of no force: that to this compact each State acceded as a sovereign State, and is an integral party, its co-States forming, as to itself, the other party: that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have been to give its discretion, and not the Constitution, the measure of its powers; but that, in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

The second, third, fourth, fifth, and sixth resolutions show how these principles apply to the acts passed by Congress to banish frauds on the Bank of the United States and other crimes not enumerated in the Constitution; to abridge the freedom of the press and of speech; to allow the President to banish aliens at pleasure;—and all of these are pronounced wholly unauthorized by the Constitution, and therefore void and of no effect.

The seventh resolution declares that the construction applied to the General Government to the provisions of the Constitution, which authorize Congress to impose taxes and excises, pay debts and provide for the common defence and general welfare, "goes to the destruction of all limits prescribed to their power by the Constitution," and "that the proceedings of the General Government under color of these articles, will be a fit and necessary subject of revisal and correction, at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress."

The eighth resolution provides "that a committee of conference and correspondence be appointed" to communicate the preceding resolutions to the legislatures of other States, and after ascertaining them of the fidelity of this "commonwealth" to a constitutional union, to apprise them that it

<sup>1</sup> Vol. ix. p. 404.



—“is determined, as it doubts not its co-States are, to submit to undelegated and consequently unlimited powers in no man, or body of men on earth: that in cases of an abuse of the delegated powers, the members of the General Government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a negation of the act is the rightful remedy: that every State has a natural right in cases not within the compact (*casus non foederis*), to nullify of their own authority all assumptions of power by others within their limits: that without this right, they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them: that nevertheless, this commonwealth, from motives of regard and respect for its co-States, has wished to communicate them on the subject: that with them alone it is proper to communicate, they being parties to the compact, and solely authorized to judge in the last resort of the powers exercised under it, Congress being not a party, but merely the creator of the compact, and subject as to its assumptions of power to the final judgment of those by whom, and for whose use itself and its powers were all created and modified.”

After reciting the conclusions which would flow from the foregoing, it says, if the obnoxious acts were allowed to stand, the resolution proceeds to say,

—“that these and successive acts of the same character, unless arrested at the threshold [will] necessarily drive these States into revolution and blood.”

“That this commonwealth does therefore call on its co-States for an expression of their sentiments on the acts concerning aliens, and for the punishment of the authors of such crimes herein before specified, plainly declaring whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove their attachment unaltered to limited government, whether general or particular. And that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked in a common bottom with their own. That they will concur with this commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these States, of all powers whatsoever: that they will view this as seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States (not merely as the cases made federal (*casus foederis*) but) in cases whatsoever, by laws made, not with their consent, but by others against their consent: that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases made federal, will concur in declaring these acts void, and of no force, and each take measures of its own for providing that neither these acts, nor any of the General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.”

The ninth resolution authorizes the committee to communicate the same by writing or personal conferences with persons appointed

the same object by other States; and directs them to lay their proceedings before the next session of the Assembly.

A very full synopsis of these voluminous resolutions has not here been attempted, as they will be given entire in another portion of the work.<sup>1</sup>

The genuine import of these resolutions—whether they contemplated in the last resort a constitutional or extra-constitutional remedy for the grievances complained of—has excited a good deal of discussion. Mr. Madison has too fully examined this subject (including the purport of the Virginia resolutions of the same epoch) to leave any need for further argument by those who concur in his interpretation. His views will be found in several letters to Nicholas P. Trist, in one to Edward Everett, and in various others to Joseph C. Cabell, Andrew Stevenson, etc., between the years 1830 and 1834, in "Selections from the Private Correspondence of James Madison, from 1813 to 1836, published by J. C. McGuire, exclusively for private distribution, Washington, 1853."<sup>2</sup>

Mr. Madison entertained no doubt that the last resort contemplated by the Kentucky resolutions was extra-constitutional, was an appeal to the natural and sacred right of resistance against flagrant and otherwise incurable oppression. This was a different idea, perhaps, from that held when Jefferson wrote Mr. Rowan—and if so it was the more deliberate and the final idea.

Mr. Jefferson believed the "crisis" of the Constitution had come—that statutes and decisions had in essential particulars subverted it—that armies were organizing to crush opposition and make that subversion complete. If the appeal to solemn compacts was finally disregarded, if after the last solemn remonstrance and protest of the aggrieved, the unauthorized and forcible changes in the whole framework of our government were persisted in, he was in favor of resistance, and, if need be, of securing the rights obtained by the Revolution by again unsheathing the sword of the Revolution. We shall soon see whether this stern alternative was decided on and proclaimed a moment too soon.

The resolutions, presented and passed (almost unanimously) by the Kentucky Legislature about the middle of November, differed in several particulars from the preceding draft. The

<sup>1</sup> See APPENDIX No. 17. <sup>2</sup> For a copy of which we are indebted to Mr. McGuire.

ninth was omitted, and the eighth so modified that it directed the resolutions to be placed before Congress by the representatives of Kentucky, who were instructed "to use their best endeavors to procure at the next session of Congress a repeal of the aforesaid unconstitutional and obnoxious acts." The Governor was requested to transmit the resolutions to the other States, and to solicit their coaction in procuring that repeal.

There are several reasons which lead us to conjecture that Jefferson was consulted before these changes were made, and that he acquiesced in, if indeed he did not propose them. William C. Nicholas was a resident of the same county. There was sufficient time for a subsequent correspondence before the resolutions were presented in the Kentucky Legislature. Mr. Madison, like the Nicholases, would not be likely to press another man to draw up an important document for a specific object, and then to change it without again advising with the author. In Jefferson's letter to young Nicholas, in 1821, he admits the authorship without any hint that it was a joint production. Again, on the 17th of November, three days (we think) after the passage of the resolutions in the Kentucky Legislature, and before therefore that they could have probably reached Jefferson (by any roads and means of communication then in use) the latter wrote to Mr. Madison:

"I inclose you a copy of the draft of the Kentucky resolutions. I think I should distinctly affirm all the important principles they contain, so as to hold that ground in future, and leave the matter in such a train as that we may not be committed absolutely to push the matter to extremities, and yet may be free to push as far as events will render prudent."

This describes the resolutions better as passed than in their original form.

Essentially in the same spirit he, on the 26th of November, wrote Colonel John Taylor, of Caroline, who, like Mr. Madison, had gone into the Virginia Legislature expressly to aid in maintaining a stand against the usurpations of the federal Government.

We will give several passages from this interesting letter, having no connection with the immediate point under discussion, because they present us the precise color of his general views during this eventful period.

"I owe you a political letter. Yet the infidelities of the post-office and the circumstances of the times are against my writing fully and freely, whilst my

dispositions are as much against mysteries, innuendoes, and half-confidences. I know not which mortifies me most, that I should fear to write what I think, or my country bear such a state of things. Yet Lyon's judges, and a jury of all nations, are objects of national fear. We agree in all the essential ideas of your letter. We agree particularly in the necessity of some reform, and of some better security for civil liberty. But perhaps we do not see the existing circumstances in the same point of view. There are many considerations *dehors* of the State, which will occur to you without enumeration. I should not apprehend them, if all was sound within. But there is a most respectable part of our State who have been enveloped in the YZ delusion, and who destroy our unanimity for the present moment. This disease of the imagination will pass over, because the patients are essentially republicans. Indeed, the doctor is now on his way to cure it, in the guise of a tax-gatherer. But give time for the medicine to work, and for the repetition of stronger doses, which must be administered. The principle of the present majority is *expensive expense*, money enough to fill all their maws, or it will not be worth the risk of their supporting. They cannot borrow a dollar in Europe, or above two or three millions in America. This is not the fourth of the expenses of this year, unprovided for. Paper money would be perilous even to the paper men. Nothing, then, but excessive taxation can get us along; and this will carry reason and reflection to every man's door, and particularly in the hour of election.

"I wish it were possible to obtain a single amendment to our Constitution. I should be willing to depend on that alone for the reduction of the administration of our Government to the genuine principles of its Constitution; I mean an additional article, taking from the federal Government the power of borrowing. I now deny their power of making paper money or anything else a legal tender. I know that to pay all proper expenses within the year, would, in case of war, be hard on us. It is not so hard as ten wars instead of one. For wars would be reduced in that proportion; besides that the State governments would be free to lend *their credit* borrowing quotas.

"For the present I should be for resolving the Alien and Sedition Laws to be *unconstitutional* and merely void, and for addressing the other States to make similar declarations; and I would not do anything at this moment which would commit us further, but reserve ourselves to shape our future measures or no measures by the events which may happen.

"It is a singular phenomenon, that while our State governments are the very best in the world, without exception or comparison, our general Government has, in the rapid course of nine or ten years, become more arbitrary, and has swallowed up more of the public liberty, than even that of England. I inclose you a column, cut from a London paper, to show you that the English, though charmed with our victories, yet blush and weep over our Sedition Law.

"But I inclose you something more important. It is a petition for a reformation in the manner of appointing our juries, and a remedy against the *jury of all sorts*, which is handing about here for signature, and will be presented to your consideration. I know it will require but little ingenuity to make objections to the details of the execution; but do not be discouraged by small difficulties; make it as perfect as you can at a first essay, and depend on amending its defects as they develop themselves in practice. I hope it will meet with your approbation and patronage



It is the only thing which can yield us a little present protection against the domination of a faction, while circumstances are maturing for bringing and keeping the Government in real unison with the spirit of their constituents."<sup>1</sup>

One of these passages settles all that is important in the inquiry we have been making, because it decisively shows that whether Jefferson had concerted modifications of his original resolutions with George Nicholas or not, he now, in less than a month from the time of drafting them, proposed corresponding modifications in the action of Virginia.

The facts in the case are due to historic truth. They are not presented as modifying any principle or theory of political action enounced in Jefferson's original draft of the Kentucky resolutions.

On the 24th of December, 1798, the Virginia Legislature, by an overwhelming majority, passed a series of resolutions (offered by John Taylor, of Caroline) responsive to those of Kentucky. They were drafted by Mr. Madison, as he avows in his later correspondence. They were as decided in the essence as those passed by Kentucky, but were drawn up with more deliberation, and with a more studied avoidance of phraseology that could be made the subject of misconstruction. They expressed "deep regret at a spirit in sundry instances manifested by the federal Government to enlarge its powers by forced constructions of the constitutional charter" and "so to consolidate the States by degrees into one sovereignty, the obvious tendency and inevitable result of which would be to transpose the present Republican system of the United States into absolute, or, at best, a mixed monarchy." They protested against the Alien and Sedition Laws as "palpable and alarming

<sup>1</sup> This alludes to a petition addressed "to the Speaker and House of Delegates of the commonwealth of Virginia, being a protest against interference of judiciary between representative and constituent," which will be found published in the Congress ed. of Jefferson's Works, vol. ix. pp. 447-454.

It was intended to produce a reform in the manner of appointing grand juries, probably an expression of legislative opinion, to guard against such purely impulsive and gratuitous assumptions of authority as the presentation, by the grand jury, at the Circuit Court of the United States, held at Richmond, May, 1797, "as a real evil the circular letters of several members of the late Congress, and particularly letters with signature of Samuel J. Cabell, endeavoring, at a time of real public danger, to disseminate unfounded calumnies against the happy government of the United States, and to by to separate the people therefrom; and to produce or increase a foreign influence ruinous to the peace, happiness, and independence of these United States."

Cabell was the representative of Mr. Jefferson's own congressional district, consisting of Amherst, Albemarle, Fluvanna, and Goochland. Hence his activity in this affair.

The petition has a good deal of the ring of the old Revolutionary metal, and repay the curious reader for turning to it.

infractions of the Constitution," and called upon each of the other States "to take the necessary and proper measures for coöperating" "in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively or to the people."

The third session of the fifth Congress opened on the third of December. The President declared in his speech that the transactions between France and the United States, during the recess, would be made the subject of a future communication, and that this would "confirm the ultimate failure of the measures which had been taken by the Government of the United States towards an amicable adjustment of differences with that power;" that while France wished to appear solicitous to avoid a rupture, by expressing its willingness to receive a minister, it was "unfortunate for professions of this kind," that it used terms which "might countenance the inadmissible pretension" of a right to prescribe his qualification; and that, while asserting its own disposition to conciliate, it should "indirectly question" the "sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs had been given." He said that the decree of the Directory, "alleged to be intended to restrain the depredations of the French cruisers," could give no relief, as it only enjoined conformity to law, and the law itself was the source of the depredations; that the law condemning vessels any portion of the cargoes of which was of British manufacture, had "lately received a confirmation by the failure of a proposition for its repeal;" that this law was, of itself, "an unequivocal act of war," calling for "firm resistance;" that "hitherto, therefore, nothing was discoverable in the conduct of France which ought to change or relax our measures of defence;" that "to extend or invigorate them was our true policy;" that we had no reason to regret those already entered upon; and that in proportion as we enlarged our view of the portentous and incalculable situation of Europe, we should discover new and urgent motives for the full development of our energies and resources." He continued:

"But in demonstrating by our conduct that we do not fear war in the necessary protection of our rights and honor, we shall give no room to infer that we abandon our desire of peace. An efficient preparation for war can alone insure peace. It is a policy that we have uniformly and perseveringly cultivated, and harmony between

us and France may be restored at her option. But to send another minister with more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must therefore be left to France (if she is indeed desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy. And with a sincere disposition on the part of France to desist from hostility, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France and the world that the Executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the Government and of the people of the United States. But considering the late manifestations of her policy towards foreign nations, I deem it my duty deliberately and solemnly to declare my opinion, that whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. This alone will give us an equal treaty, and insure its observance."

Jefferson arrived in the capital on Christmas Day, and took his seat in the Senate on the 27th of December. He wrote to Madison, January 3, 1799:

"The President's speech, so unlike himself in point of moderation, is supposed to have been written by the military conclave, and particularly Hamilton. When the Senate gratuitously hint Logan to him, you see him in his reply come out in genuine colors."

Mr. Jefferson here fell into an utter error, which shows how well Hamilton's plans, projects and political views were kept concealed from his opponents. The "military conclave" alluded to, were the chiefs of the Provisional Army, who had assembled at the seat of Government to concert their military arrangements. If Hamilton wrote, or dictated Wolcott's draft of the speech, he prepared an exceedingly coolly worded, but not the less decisive, war document. It practically closed the door of conciliation, unless France would sue more abjectly for peace than anybody expected; or, rather, it assumed that door to be already closed, and that the United States could not reopen without dishonor.

The Senate went far beyond the tone of the speech in its answering address. It substantially assumed throughout, that all had been done by the United States, towards a pacification with France, that honor permitted, and that the sole alternative was, thenceforth, to prepare vigorously for war. It said:

"But if, after the repeated proofs we have given of a sincere desire for peace, these professions should be accompanied by insinuations, implicating the integrity with which it has been pursued; if, neglecting and passing by the constitutional and authorized agents of the Government, they are made through the medium of individuals, without public character or authority; and above all, if they carry with them a claim to prescribe the political qualifications of the minister of the United States to be employed in the negotiation; they are not entitled to attention or consideration, but ought to be regarded as designed to separate the people from their Government, and to bring about by intrigue that which open force could not effect."

The "hint" to Logan's journey was purely "gratuitous," because the President had not referred to it; and the ingenuity which could string together, in so few words as those above, so many keen provocatives to Mr. Adams's weaknesses and follies, was worthy of that craftier enemy in his Cabinet, who, under the guise of friendship, spied them out without hindrance, and took advantage of them without compunction.

The explosion followed. Mr. Adams replied to the Senate:

"I have seen no real evidence of any change of system or disposition in the French Republic towards the United States. . . Although the officious interference of individuals, without public character or authority, is not entitled to any credit, yet it deserves to be considered whether that temerity and impertinence of individuals affecting to interfere in public affairs between France and the United States, whether by their secret correspondence or otherwise, and intended to impose upon the people, and separate them from their Government, ought not to be inquired into and corrected."

The mention of the "secret correspondence" looks like an approving allusion to the newspaper charge that Logan was an emissary of Jefferson; and the President's ready invocation of penal laws, shows how completely his better principles were the sport of his passions, when freshly roused. The hint to resort to penal laws to prevent the freedom of political action, was thrown on a soil where it was certain to vegetate rankly.

Mr. Jefferson gave far more credit to the moderation of the President's speech than it deserved, considering that the latter had, since the first week in October, been in the possession of information which, we have his own admission, perfectly convinced him that France was seeking, and making real, and even formal, diplomatic overtures for reopening, negotiations looking to an honorable pacification. How are these declarations to be reconciled to that most unfortunate assertion which opens the para



graph just quoted from his reply to the Senate? It is, assuredly, a heavy draft on credulity to believe he was sincere on both occasions. But he was one of those men occasionally to be met with, who, in the paroxysm of rage, verily believe whatever they desire to believe, whatever they feel; and who, under such circumstances are not to be treated, or reckoned with as moral agents.

The holidays were over before Congress proceeded seriously to business.

We have seen that Hamilton was accustomed to send programmes for his followers, at each session. That for the session of 1798-99 was far too important a document to be passed over, without a careful scrutiny, by all who are desirous to understand the real objects of our early parties—to understand whether it was Jefferson or his opponents who attempted to misstate them to posterity.

The document (published in Hamilton's works, by his son-in-law, but we have felt that it would give better satisfaction if presented in its entire form :

#### HAMILTON TO DAYTON.

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An accurate view of the internal situation of the United States presents many discouraging reflections to the enlightened friends of our Government and country. Notwithstanding the unexampled success of our public measures at home and abroad—notwithstanding the instructive comments afforded by the disastrous and disgusting scenes of the French Revolution—public opinion has not been alarmed; sentiments dangerous to social happiness have not been diminished; on the contrary, there are symptoms which warrant the apprehension that among the most numerous class of citizens, errors of a very pernicious tendency have not only been preserved but have extended their empire. Though something may have been gained on the side of men of information and property, more has probably been lost on that of persons of a different description. An extraordinary exertion on the part of the friends of Government, aided by circumstances of momentary impression, gained in the last election for members of Congress, a more favorable countenance to the States than they had before worn; yet it is the belief of well-informed men, that no real or desirable change has been wrought in those States. On the other hand, it is admitted by close observers, that some of the parts of the Union which, in former times, have been the soundest, have of late exhibited signs of a gangrene begun and progressive.

It is likewise apparent that opposition to the Government has acquired more pertinacity than formerly, is bolder in the avowal of its designs, less solicitous than it was to discriminate between the Constitution and the Administration, and more open and more enterprising in its projects. The late attempt of Virginia and Kentucky to unite the State legislatures in a direct resistance to certain laws of the Union, cannot be considered in no other light than as an attempt to change the Government.

It is stated, in addition, that the opposition party in Virginia, the head-quarters

of the faction, have followed up the hostile declarations which are to be found in the resolutions of their General Assembly by an actual preparation of the means of supporting them by force; that they have taken measures to put their militia on a more efficient footing—are preparing considerable arsenals and magazines, and (which is an unequivocal proof how much they are in earnest) have gone so far as to lay new taxes on their citizens. Amidst such serious indications of hostility, the safety and the duty of the supporters of the Government call upon them to adopt vigorous measures of counteraction. It will be wise in them to act upon the hypothesis, that the opposers of the Government are resolved, if it shall be practicable, to make its existence a question of force. Possessing as they now do all the constitutional powers, it will be an unpardonable mistake on their part if they do not exert them to surround the Constitution with more ramparts, and to disconcert the schemes of its enemies.

The measures proper to be adopted may be classed under heads.

First.—Establishments which will extend the influence and promote the popularity of the Government. Under this head three important expedients occur. *First.* The extension of the judiciary system. *Second.* The improvement of the great communications, as well interiorly as coastwise by turnpike roads. *Third.* The institution of a society with funds to be employed in premiums for new inventions, discoveries, and improvements in agriculture and in the arts.

The extension of the judiciary system ought to embrace two objects: One, the subdivision of each State into small districts (suppose Connecticut into four, and so on in proportion), assigning to each a judge with a moderate salary. The other, the appointment in each county of conservators or justices of the peace, with only ministerial functions, and with no other compensation than fees for the services they shall perform. This measure is necessary to give efficacy to the laws, the execution of which is obstructed by the want of similar organs and by the indisposition of the local magistrates in some States. The Constitution requires that judges shall have fixed salaries; but this does not apply to mere justices of the peace without judicial powers. Both those descriptions of persons are essential, as well to the energetic execution of the laws as to the purposes of salutary patronage.

The thing no doubt would be a subject of clamor, but it would carry with it its own antidote, and when once established, would bring a very powerful support to the Government.

The improvement of the roads would be a measure universally popular. None can be more so. For this purpose a regular plan should be adopted coextensive with the Union, to be successively executed, and a fund should be appropriated sufficient for the basis of a loan of a million of dollars. The revenue of the post-office naturally offers itself. The future revenue from tolls would more than reimburse the expense, and public utility would be promoted in every direction. The institution of a society, with the aid of proper funds, to encourage agriculture and the arts, besides being productive of general advantage, will speak powerfully to the feelings and interests of those classes of men to whom the benefits derived from the Government have been heretofore the least manifest.

Second.—Provision for augmenting the means and consolidating the strength of the Government. A million of dollars may without difficulty be added to the revenue, by increasing the rates of some existing indirect taxes, and by the addition of some new items of a similar character.

The direct taxes ought neither to be increased nor diminished. Our naval force ought to be completed to six ships of the line twelve frigates, and twenty-four

sloops of war. More at this juncture would be disproportioned to our resources, less would be inadequate to the ends to be accomplished. Our military force should for the present, be kept upon its actual footing; making provision for a reenlistment of the men for five years in the event of a settlement of differences with France; with this condition, that in case of peace between Great Britain, France, and Spain, the United States being then also at peace, all the privates of the two additional regiments of infantry, and of the regiment of dragoons, not exceeding twenty to a company, shall be disbanded. The corps of artilleryists may be left to retain the numbers which it shall happen to have, but without being recruited up to the numbers of officers and privates shall fall below the standard of the infantry and dragoons. A power ought to be given to the President to augment the four regiments to their war establishment.

The laws respecting volunteer companies, and the eventual army should be rendered permanent, and the Executive should proceed without delay to organize the latter. Some modifications of the discretion of the President will, however, be proper in a permanent law. And it will be a great improvement of the plan, if it shall be thought expedient to allow the enlistment, for the purpose of instruction, of a corps of sergeants equal to the number requisite for the eventual army. The institution of a Military Academy will be an auxiliary of great importance. Manufactories of every article, the woollen parts of clothing included, which are essential to the supply of the army, ought to be established.

Third.—Arrangements for confirming and enlarging the legal powers of the Government. There are several temporary laws which, in this view, ought to be rendered permanent, particularly that which authorizes the calling out of the militia to suppress unlawful combinations and insurrections.

An article ought to be proposed to be added to the Constitution, for empowering Congress to open canals in all cases in which it may be necessary to conduct them through the territory of two or more States, or through the territory of one State and that of the United States. The power is very desirable for the purpose of improving the prodigious facilities for inland navigation with which nature has favored this country. It will also assist commerce and agriculture, by rendering the transportation of commodities more cheap and expeditious. It will tend to secure the connection, by facilitating the communication between distant portions of the Union, and it will be a useful source of influence to the Government. Happy would it be, if a clause could be added to the Constitution, enabling Congress, on the application of any considerable portion of a State, containing not less than a hundred thousand persons, to erect it into a separate State, on the condition of fixing a quota of contributions which it shall make towards antecedent debts, if any there shall be, reserving to Congress the authority to levy within such State the tax necessary to the payment of such quota in case of neglect on the part of the State. The subdivision of the great States is indispensable to the security of the general Government, and with it of the Union.

Great States will always feel a rivalry with the common head, will often be supposed to machinate against it, and in certain situations will be able to do it with decisive effect. The subdivision of such States ought to be a cardinal point in the federal policy; and small States are doubtless best adapted to the purposes of local regulation and to the preservation of the republican spirit. This suggestion, however, is merely thrown out for consideration. It is feared that it would be inexpedient and even dangerous to propose, at this time, an amendment of the kind.

Fourth.—Laws for restraining and punishing incendiary and seditious practices.

will be useful to declare that all such writings, etc., which at common law are libels, if levelled against any officer whatsoever of the United States, shall be cognizable in the courts of the United States. To preserve confidence in the officers of the General Government, by preserving their reputations from malicious and unfounded slanders, is essential, to enable them to fulfill the ends of their appointment. It is, therefore, both constitutional and politic to place their reputations under the guardianship of the courts of the United States. They ought not to be left to the cold and reluctant protection of State courts, always temporizing and sometimes misaffected. But what avail laws which are not executed? Renegade aliens conduct more than one of the most incendiary presses in the United States—and yet, in open contempt and defiance of the laws, they are permitted to continue their destructive labors. Why are they not sent away? Are laws of this kind passed merely to excite odium and remain a dead letter? Vigor in the executive is at least as necessary as in the legislature branch; if the President requires to be stimulated those who can approach him ought to do it.

These stupendous and startling propositions deserve analysis, but we can indulge in but a rapid recapitulation of a few heads. They embrace:

1. An assumption that “sentiments dangerous to social happiness” are spreading among “the most numerous class of citizens,” as contradistinguished from “men of information and property;” that good government can only be preserved (in other words, the questions between the parties settled) by force; and that it would be unpardonable for the party now in possession of the government not to employ the present opportunity to prepare themselves for the struggle, and, among others, by the following means:

2. Making United States district courts, and appointing salaried judges, at the rate of four for Connecticut, and national justices of the peace *ad libitum*. Connecticut contained then about two hundred and fifty thousand inhabitants, and the United States somewhat over five millions. Proceeding on a populational basis, this would have then called for eighty judges. On a territorial, or part territorial basis, the number could have been much larger. In the same ratio, in 1850, three hundred and sixty-eight judges would have been required. The justices of the peace, having no salaries, and obliged, therefore, to hunt and inform to obtain a portion of the “salubrious patronage,” could not, on the scale proposed, have fallen short of thousands in 1850, and might have been swelled to any thousands. Each district being supplied with the usual complement of district attorney, marshals, and other officers of the



federal courts, the "salutary patronage" would have extended literally, to an army of officials at the period last named.

3. An assumption on the part of the federal Government the improvement of turnpike roads.

4. An addition to the revenue of a million of dollars.

5. A completion of our navy to six ships of the line, twelve frigates, and twenty-four sloops of war.

6. No reduction of the present footing of the army except a contingency not probable to happen in years in any event and impossible to happen if Hamilton's South American projects should go on; and in the meantime, an addition to what thus became a standing army—an organization of the event army—a military academy—and the erection of government manufactories for "every article," even to woollen cloth essential to the supply of the troops.

7. The addition to the Constitution of an article to empower Congress to open canals under conditions which could be rendered available in nearly every case where the construction of an important work of this kind was considered desirable, by the Government, to swell "salutary patronage," or for other purposes.

8. The addition to the Constitution of an article empowering Congress to cut up the States to a degree which would render them powerless separately to maintain a shadow of resistance against the encroachments of the General Government—indeed, powerless, without grinding internal taxes, even to support a complete set of government officers. On the scale proposed, Virginia could then have been carved into seven States, Pennsylvania into four; Massachusetts, New York, Maryland, and North Carolina into three each; and all of the original States could have been subdivided except Georgia, Rhode Island, and Delaware. On this basis, there was, in 1790, sufficient population for thirty-nine States, and in 1850, sufficient for two hundred and thirty-one. A good many rural counties in New York and other States would contain at this day more than the necessary population for a State.

9. The Sedition Law, stringent enough now to punish a seditious wish, to be so extended that all "writings, etc.," which at common law were libels, should, "if levelled at any officer whatsoever of the United States, be cognizable in the courts

the scale of four for Connecticut) of the United States, and consequently subject to the common law penalties.

10. A more stringent execution of the present Alien and Sedition Laws.

It is not necessary to inform the reflecting reader that these provisions, carried out, would have constituted a purely consolidated government, and one nearly as absolute in spirit and more tyrannous in practice, in some particulars, than the administrations of Edward IV. or Henry VIII. We doubt whether there is a government this day on earth—there is certainly not one in Christendom—which practically protects “any officer whatsoever” under it, as the preceding provisions would have protected those of the United States.

Blackstone says libels “are malicious defamations of any person, and especially a magistrate, made public by either printing, writing, signs, or pictures, in order to provoke him to wrath, or expose him to public hatred, contempt, and ridicule”—that “the communication of a libel to any one person is a publication in the eye of the law”—that “it is immaterial, with respect to the essence of a libel, whether the matter of it be true or false, since the provocation [to a breach of the peace] and not the falsity, is the thing to be published criminally”—but that “in a civil action \* \* \* a libel must appear to be false as well as scandalous”—that the punishment of libel criminally “is fine, and such corporal punishment as the court in its discretion shall inflict,” regarding the quantity of the offence, and the quality of the offender.”<sup>1</sup> Such were the common law jurisdiction and powers which it was proposed to confer on the federal courts, for the punishment of those who should speak or write against the lowest “officer” in the army, the navy, the custom-house, the post-offices, etc. etc. And if these “officers” could not exercise a sufficient surveillance for themselves and the Administration, they would have the United States justices of the peace, “in each county,” to hunt and inform against all “libellers!”

The time had now also come for Hamilton to make active

<sup>1</sup> It was punishable, for example, by putting the offender in the pillory, until the statute 56 Geo. 3, c. 138. This was a limitation of the common law, which Hamilton proposed to put into full force.

<sup>2</sup> Blackstone, iv. 150, 151. Those who would see Hamilton's views of the proper application of the law of libel when republicanism was in the ascendancy, will turn to the case of the People v. Crosswell, in 1804, in Johnson's Reports, vol. iii. p. 262, et seq.

preparations for his great warlike scheme in South America. The ice must be broken to the military committees of Congress filled by his adherents. He wrote to Gen. Gunn, of the Senate, December 22d, 1798 :

"A considerable addition ought certainly to be made to our military supplies. The communications of the Commander-in-Chief [Washington] will also afford a standard for the increase in this respect, as far as concerns the force to be employed in the field. There are, however, some other objects of supply equally essential which are not within the view of those [Washington's] communications—heavy cannon for our fortifications, and mortars for the case of a siege. Of the former, including those already procured and procuring, there ought not to be fewer than ten thousand, from eighteen to thirty-two pounders, chiefly of twenty-fours; of the latter, including those on hand, there ought to be fifty of ten-inch calibre. The present force, as you perceive, looks to offensive operations. If we engage in war, our game will be to attack where we can. France is not to be considered as separated from her allies. Tempting objects will be within our grasp!

"Will it not likewise be proper to renew and extend the idea of a provisional army? The force which has been contemplated as sufficient in any event, is 40,000 infantry of the line, 2,000 riflemen, 4,000 cavalry, and 4,000 artillery, making in the whole an army of 50,000. Why should not the provisional army go to the extent of the difference between that number and the actual army? I think this ought to be the case, and that the President ought to be authorized immediately to nominate the officers, to remain without pay until called into service.

\* \* \* \* \*

"A loan, as an auxiliary, will of course be annexed." \*

Harrison Gray Otis, chairman of the Committee, in the House of Representatives, appointed to consider the policy of extending our internal means of defence, wrote to Hamilton for his instructions.<sup>1</sup> The latter, December 27th, replied, that "any reduction of the actual force" was inexpedient; that "he thought the militia respecting the 80,000 militia ought likewise to be revived;" that "good policy" did not "require extensive appropriations for fortifications at the present juncture;" that "money could be more usefully employed other ways."<sup>2</sup>

In a letter to Sedgwick (immediately after—precise date not given) Hamilton proposed a house-tax of a million—and "as aid the taxes contemplated last session."<sup>3</sup>

In another letter to Otis, January 26th, 1799, we have the schemes darkly hinted to General Gunn ushered into broad daylight. He said :

<sup>1</sup> Spain.

<sup>2</sup> Hamilton's Works, vol. vi. p. 377.

<sup>3</sup> Hamilton's Works, vol. v. p. 184.

<sup>4</sup> Ib. vol. vi. p. 380.

<sup>5</sup> Ib. p. 381.

"I should be glad to see, before the close of the session, a law empowering the president, at his discretion, in case a negotiation between the United States and France should not be on foot by the first of August next, or being on foot, should terminate without an adjustment of differences—to declare that a state of war exists between the two countries, and thereupon to employ the land and naval forces of the United States in such a manner as shall appear to him most effectual for annoying the enemy, and for preventing and frustrating hostile designs of France, either directly or indirectly through any of her allies."<sup>1</sup>

After declaring that such a delay of a declaration of war would be a further proof of moderation in the government;" "would tend to reconcile our citizens to the last extremity," and "if it should ensue, gradually accustom their minds to look forward to it," etc., he added:

"As it is every moment possible that the project of taking possession of the Floridas and Louisiana, long since attributed to France, may be attempted to be put in execution, it is very important that the Executive should be clothed with power to meet and defeat so dangerous an enterprise. Indeed, if it is the policy of France to leave us in a state of semi-hostility, 'tis preferable to terminate it, and by taking possession of those countries for ourselves, to obviate the mischief of their falling into the hands of an active foreign power, and at the same time to secure to the United States the advantage of keeping the key of the western country. I have been long in the habit of considering the acquisition of those countries as essential to the permanency of the Union, which I consider as very important to the welfare of the whole.

"If universal empire is still to be the pursuit of France, what can tend to defeat the purpose better than to detach South America from Spain, which is the only channel through which the riches of Mexico and Peru are conveyed to France. The Executive ought to be put in a situation to embrace favorable conjunctures for effecting that separation. 'Tis to be regretted that the preparation of an adequate military force does not advance more rapidly. There is some sad nonsense on this subject in some good heads. The reveries of some of the friends of the Government are more injurious to it than the attacks of its declared enemies."<sup>2</sup>

In the civil and military plans thus sketched, we have the "THOROUGH" of General Hamilton!

After the perusal of all these letters, it will not be pretended that Hamilton's prominent instruments in both branches of Congress did not clearly understand his designs.

Jefferson wrote Madison, January 16th, 1799, that "the machinery lately attempted to be played off by Mr. H. [Harper] in the House of Representatives, of a pretended memorial presented by Logan to the French Government, had been so pal-

<sup>1</sup> The words commencing at "indirectly" italicized by Hamilton.  
<sup>2</sup> Hamilton's Works, vol. vi. p. 391.



pably exposed as to have thrown ridicule on the whole "affair," but that the majority would pass the bill. He said "their remarks on the importance they had given" it, "were mistaken by nobody." We suppose in the latter remark he meant what was no doubt true, that the bill was intended mainly for a snipe on himself. The exposure he mentions was a publication in Logan's to the effect that he had not written or presented such a paper in France as that attributed to him by Harper. The brave hearted Quaker was nominated as one of the members for Philadelphia in the Pennsylvania Legislature, and elected in the face of a most vehement opposition.

Jefferson complains in the same letter, that notwithstanding Gerry had returned five months ago, and that it was understood that his communications left "not a possibility to doubt the sincerity and the anxiety of the French Government to avoid the spectacle of a war with us," they were kept from Congress, while an army and a great addition to the navy "were steadily intended"—"that a loan of five millions was opened at eight per cent. interest." He added:

"That these measures of the army, navy, and direct tax will bring about a revolution of public sentiment is thought certain, and that the Constitution will therefore receive a different explanation. Could those debates [Madison's Debates of the Convention of 1787] be ready to appear critically, their effect would be decisive."

<sup>1</sup> Harper, of South Carolina, was particularly pointed and offensive throughout the whole debate on what was ludicrously termed "the usurpation of federal authority," innuendoes that Logan had gone to France as a political emissary, and particularly an emissary of Jefferson. On the 28th of December he offered to read the letter of Mazzei, in the debate. On the 10th of January, 1799, he read by paragraphs and commented on a paper, purporting to be addressed by Logan to the French Minister of Foreign Affairs. He affected wholly to discredit a declaration in it that he (Logan) "without any official character, and wholly unauthorized from any quarter," etc.

Logan made the following reply:

*For the American Daily Advertiser.*

"Robert G. Harper, on Thursday last, brought forward and read in Congress a memorial which he insinuated had been presented by me to the Minister of the Ex-Relations in Paris.

"Out of respect to the honorable situation in which Mr. Harper has been placed in this country, I think it proper to observe that neither the memorial in question nor any writing was ever presented by me to Citizen Talleyrand. The paper read in Congress was drafted by a respectable citizen of Boston, residing in Paris, the friend and correspondent of Mr. Otis [H. G. Otis, who had figured largely in the debate, on the same subject with Mr. Harper]. Some of the sentiments which it contains were taken from a speech which that person had just received from his brother, and which he had a few days before communicated to Citizen Talleyrand. It was judged of importance that it be united with other opinions calculated to promote peace, should be supported by a declaration of the United States immediately from his country. On this account the memorial was handed to me for the purpose of communicating it to the Minister. I declined the service as having too much the appearance of an official act. I returned it to the Codman without even taking a copy of it, or making any use of it whatever.

"PHILADELPHIA, January 14, 1799."

"GEORGE LOGAN."

"Your favor of December the 29th came to hand January the 5th; seal sound. I pray you always to examine the seals of mine to you, and the strength of the impression. The suspicions against the Government on this subject are strong."

As he anticipated, the "Logan Law," as it was popularly termed, passed, January 30th. It provided that any "citizen of the United States residing within them, or in a foreign country, who should, without the permission or authority of his Government, "directly or indirectly, commence or carry on, any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the government of the United States," or "counsel, advise, aid, or assist in any such correspondence," he should be punished by a fine not exceeding \$5,000, and by imprisonment during a term not less than six months nor exceeding three years." This act not only rendered such conduct as Logan's a criminal offence, but also every word uttered by Barlow, Codman, Skipwith and other American residents in France, to any "officer or agent" of his Government, for the purpose of preserving peace between the two countries! To write a letter to an "officer or agent" from our country, for the same object, was equally punishable. And who could not have been adjudged an "agent" of France by our courts?

If this law was aimed at a moral crime, then Lafayette committed a moral crime when he wrote Washington and Hamilton, officers of the American Government, for the purpose of exerting a desolating, and what he believed totally unnecessary, war between his native land and one for which he had more than once shed his blood. Such a pretence would be an insult to common sense. A more arbitrary and purely Vandalish enactment has rarely disgraced the statute books of a civilized nation. In theory, it is even less defensible than the Alien and Sedition Laws.

It is not probable that a single prominent Hamiltonian-Federalist who voted for this bill in Congress, was ignorant that regarding the circumstances which were made the excuse for the enactment, at least one officer in the President's Cabinet, and a second officer in the army of the United States, were,

through an American ambassador, agreeing upon preparation with the British Cabinet, for a great combined warlike movement against a power with which our country was at profound peace, and also against that very power with which it had been the object of Logan's journey to preserve the peace! Nor is it probable that any of them were ignorant that this negotiation was kept as profound a secret from the President as it was from the people of the United States. With this fact in his knowledge, the student of history will turn back to the eloquent and seemingly indignant denunciations heaped on Logan's asserted "usurpation of Executive authority" (and this was the avowed hypothesis on which the bill rested) by Otis and others, with feelings of surprise and disgust which it is difficult to express.

Jefferson wrote Monroe, January 23d, giving an *exposé* of financial affairs, and several other interesting views, afterwards more fully repeated. We allude to this letter only from its containing the first intimation, that we have anywhere observed, of the author being connected with the raising or paying of money for political purposes. He informs Monroe "that an important measure is under contemplation," and if it goes on "we shall require a considerable sum of money on loan"—that he shall perhaps, be compelled to score him [Monroe] "for fifty or one hundred dollars." This "measure" was the publication of Madison's Debates of the Federal Convention; and, we need not add, did not then go into effect.

Jefferson replied, January 26th, to a letter from Gerry, in which he had been some time in the receipt. After declaring his utter want of connection or privity with Logan's undertaking, he entered upon an explanation of his political views, many of which would not be new to the observer of his previous declarations and acts; but as a succinct statement of his whole political creed, at this period, it is worthy of particular reference, by investigators of political history.<sup>1</sup>

<sup>1</sup> We cannot, though at the expense of some repetition, repress the inclination to allow the most cursory reader an opportunity of contrasting, conveniently and candidly, this profession of faith with the "Thorough" of the chief of the opposite party, given. Mr. Jefferson wrote Gerry:

"I do then, with sincere zeal, wish an inviolable preservation of our present federal Constitution, according to the true sense in which it was adopted by the States, that which it was advocated by its friends, and not that which its enemies apprehended, and therefore, became its enemies: and I am opposed to the monarchizing its features by forms of its administration, with a view to conciliate a first transition to a President for life, and from that to an hereditary tenure of these offices, and thus to w

After presenting, in this letter, a lively account of the successful means resorted to by the Federalists to blow up the XYZ flame, alluding to the inflexible determination evinced in the Secretary of State's recent report (on the French dispatches) against any conciliation with France, and the popular judgment likely to be formed in regard to it, Jefferson proceeds:

"The alien and sedition acts have already operated in the South as powerful sedatives of the XYZ inflammation. In your quarter, where violations of principle are either less regarded or more concealed, the direct tax is likely to have the same effect, and to excite inquiries into the object of the enormous expenses and taxes we are bringing on. And your information supervening, that we might have liberal accommodation if we would, there can be little doubt of the reproduction of that general movement which had been changed, for a moment, by the dispatches of October 22d. And though small checks and stops, like Logan's pretended embassy, may be thrown in the way, from time to time, and may a little retard its motion, yet the tide is already turned and will sweep before it all the feeble obstacles of art. The unquestionable republicanism of the American mind will break through the mist under which it has been clouded, and will oblige its agents to reform the principles and practices of their administration."

at the elective principle. I am for preserving to the States the powers not yielded by them to the Union, and to the Legislature of the Union its constitutional share in the division of powers; and I am not for transferring all the powers of the States to the General Government, and all those of that Government to the executive branch. I am for a Government rigorously frugal and simple, applying all the possible savings of the public revenue to the discharge of the national debt: and not for a multiplication of officers and salaries merely to make partisans, and for increasing, by every device, the public debt, on the principle of its being a public blessing. I am for relying, for internal defence, on our militia solely, till actual invasion, and for such a naval force only as may protect our coasts and harbors from such depredations as we have experienced: and not for a standing army in time of peace, which may overawe the public sentiment; nor for a navy, which, by its own expenses and the eternal wars in which it will implicate us, will grind us with public burdens, and sink us under them. I am for free commerce with all nations; political connection with none; and little or no diplomatic establishment. And I am not for linking ourselves by new treaties with the quarrels of Europe; fearing that field of slaughter to preserve their balance, or joining in the confederacy of kings to war against the principles of liberty. I am for freedom of religion, and against all manoeuvres to bring about a legal ascendancy of one sect over another: for freedom of the press, and against all violations of the Constitution to silence by force and by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents. And I am for encouraging the progress of science in all its branches: and not for raising a hue and cry against the sacred name of philosophy; for turning the human mind by stories of raw-head and bloody-bones to a distrust of its own power, and to repose implicitly on that of others; to go backwards instead of forwards to improvement; to believe that government, religion, morality, and every other excellence, were in the highest perfection in ages of the darkest ignorance, and that nothing ever devised more perfect than what was established by our forefathers. To this I will add, that I was a sincere well wisher to the success of the French Revolution, and still wish it may end in the establishment of a free and well ordered republic: but I have not been insensible under the atrocious depredations they have committed on our commerce. The first object of my heart is my own country. In that is embarked my property, my fortune, and my own existence. I have not one farthing of interest, nor one drop of attachment out of it, nor a single motive of preference of any one nation to another, but in proportion as they are more or less friendly to us. But though deeply affected by the injuries of France, I did not think war the surest means of redressing them. I believe, that a mission sincerely disposed to preserve peace, would obtain for us a peaceable and honorable settlement and retribution; and I appeal to you to say, whether this might not have been obtained, if either of your colleagues had been of the same sentiment with yourself."



The treatment Gerry had received from his own side, is the forcibly reviewed.

Some pains have been taken to show that Jefferson labored in this letter to detach his correspondent from his previous political connections. The fact needs no argument. The whole letter is an unconcealed effort, by contrasting the principles and conduct of the two parties, to draw a man whose understanding and acquaintance with public affairs were second to those of few in the United States, out of an unnatural party affiliation, resulting from circumstances, into the one where he properly belonged.

On the 29th of January, Mr. Jefferson addressed the venerable Edmund Pendleton on the subject of a political production of the latter, which under the caption of a Patriarchal Address was running through the Republican newspapers, and producing a marked effect. The former urged him to prepare a second paper, brief, simple and levelled to every capacity, and permit ten or twelve thousand copies of it to be circulated by members of Congress. "The XYZ dish cooked up by ——" is pointed out as one of the most urgent topics, and Jefferson nervously adds:

"If the understanding of the people could be rallied to the truth on this subject by exposing the dupery practised on them, there are so many other things about

<sup>1</sup> Mr. Gibbs, the federal historian, who closely represents Wolcott's views, and therefore those of the Hamiltonians, is at constant pains to disparage Gerry, as a favorite of John Adams. But let the candid reader examine Gerry's career, and compare the evidences of his understanding, his information, and his wisdom with those by the *Dix Majorum Gentium* of New England ultra-Federalism, and he will, we are persuaded, find that the comparison resolves itself into a contrast, and that the contrast is in the favor of Mr. Gerry.

<sup>2</sup> The blank in this sentence is undoubtedly to be filled with the name of Marshall, and, it appears, Jefferson expected to find sympathy from Pendleton in this characterization of that gentleman's conduct. We have seen that Jefferson made complaints of Marshall's proceedings in France—that he gave him the credit, on return, of entertaining no views of forcing on a war between the countries; though Jefferson intimated that Hamilton and others were laboring to draw from Marshall a course of affairs intended for that object. He believed that the effort was successful: hence originated that political distrust and aversion with which he regarded Marshall through life; and the debt was unquestionably paid with interest! Whether Jefferson's severe suspicions were well or ill founded, it is not for us to say. He rested on unqualified assertions of Edward Livingston, in believing that Marshall changed his views after his return from France to the United States. We are inclined to think that Livingston misunderstood Marshall. Whether the latter judged correctly in the view thought our Government ought to take of the XYZ transactions—whether he acted correctly in the use he made, or allowed to be made, of those transactions to inflame a so long keep up a vehement war spirit in our country, liable at any moment, and justified by the conduct of France towards other powers, most likely at every moment, to engage us in a furious struggle with a nation which it required a coalition of half Europe an epoch to hold in check—we say, whether he acted wisely in all this, is an open question, and one which we make no hesitation in answering negatively. But we are not warranted to believe that the closetings with Hamilton at his landing, and the fêtes, processions, military musters, civic feasts, goings out of Cabinet officers to escort him to the capital, and other attentions which the Federalists heaped on Marshall, or the opinions and votes they expressed to him, warped him into any conscious affirmative misrepresentation. Jefferson's words above would seem to imply.

bear on them favorably for the resurrection of their republican spirit, that a reduction of the Administration to constitutional principles cannot fail to be the effect. These are the Alien and Sedition Laws, the vexations of the Stamp Act, the disgusting particularities of the direct tax; the additional army without an enemy, and recruiting officers lounging at every courthouse to decoy the laborer from his plow; a navy of fifty ships, five millions to be raised to build it, on the usurious interest of eight per cent.; the perseverance in war on our part, when the French Government shows such an anxious desire to keep at peace with us; taxes of ten millions now paid by four millions of people, and yet a necessity, in a year or two, of raising five millions more for annual expenses. These things will immediately be bearing on the public mind, and if it remain not still blinded by a supposed necessity, for the purposes of maintaining our independence and defending our country, they will set things to rights. I hope you will undertake this statement."

Mr. Pendleton's papers had the effect on the public mind anticipated by Jefferson. His patriarchal age, his great talents and experience, his obvious disinterestedness, his conceded purity of public and private character, and his life-long prudence and caution, made him a man to whose advice neither friends nor intelligent opponents could refuse to pay serious heed. All knew the natural conservatism of his character. A respectable Virginian would as soon have thought of classing Washington with the Caligulas and Tiberiuses, as Pendleton with the Marats and Dantons. He meddled little in the turbid currents of personal politics. He had passed the age for ambition. He never had affected popular leadership. He was neither in public nor in private life an egotist, fond of occupying noticeable positions, or of hearing the public reverberations of his own voice. Accordingly, when that aged voice of warning was now heard rising, though still serene, amidst the swells of the storm, discreet men felt that danger impended.

The union of the Revolutionary patriotic extremes, in the persons of Jefferson and Pendleton in Virginia, and of Jefferson and Dickinson in Pennsylvania, is an interesting fact for contemplation and speculation. It would have been more naturally expected that the latter would fall into some middle line. That Pendleton, so affectionately esteeming and esteemed by Washington, should have rather followed the path of the younger Jefferson when it diverged from that of the first President, would seem most singular on a superficial view. But neither Pendleton nor Dickinson was placed by the elevation of office or the fame of his achievements, on that lofty summit, which the mass of men approach with too much awe freely to express

their own dissenting opinions and feelings. Pendleton and Dickinson mingled daily in the busy stream of society, in the currents of common life, flowing in their natural channels without any restraint. They therefore could judge the public mind by their own eyes and ears, and were in no danger of being misled by interested interpreters who brought them every fact dyed to the hue of a partisan theory, or fashioned into "prop" for some concealed personal plan.

The conservatism of Pendleton's mind had reference to the actual rather than to abstract dogmas. He took mankind and its circumstances as they were—and in judging what ought to be done, always first judged what could be done. His standard was the practical; and when it was warred on by traditional authority, or even pseudo-logic, he dismissed them as impertinences. Accordingly he was a representative man. If he represented the rear-guard of that portion of society which moves forward, he never became detached from the main body. He may be compared to the artillery, which does not keep pace with cavalry and infantry in the rapid advance over new country. But the latter proceed confidently and safely without a backward look from the height rests upon the heavy guns toiling on within "supporting distance!"

In another respect Pendleton and Dickinson coincided. They were both thoroughly American men. Each would have planned the march or the battle differently; but when the die was cast, neither wished a better fate than his countrymen, or a different one.

When the class of men these calm, grave old chiefs represented, rallied round Jefferson in 1798, it gave pregnant proof if any were needed, that Federalism was reaction and not conservatism; that it was at war with American feeling and was impracticable; that its fall was swiftly impending.

Jefferson wrote to Col. N. Lewis on the 29th or 30th of January:<sup>1</sup>

"You will see by Mr. Pickering's report, that we are determined to believe no declarations they [the French] can make, but to meet their peaceable professions with acts of war. An act has passed the House of Representatives by a majority of twenty, for continuing the law cutting off intercourse with France, but allowing t

<sup>1</sup> The date not given in Congress edition (where it only appears), but the letter arranged between two, dated January 29th and 30th.

President, by proclamation, to except out of this such parts of their dominions as disavow the depredations committed on us. This is intended for St. Domingo, where Toussaint has thrown off dependence on France. He has an agent here on this business. Yesterday the House of Representatives voted six ships of 74 guns, and six of 18, making 522 guns. These would cost in England \$5,000 a gun. They would cost here \$10,000, or the whole will cost five and a half millions of dollars. And this is only a part of what is proposed; the whole contemplated being twelve 74's, 12 frigates, and about 25 smaller vessels. The state of our income and expense is (in round numbers) nearly as follows:

"Imports, seven and a half millions of dollars; excise, auctions, licenses, carriages, half a million; postage, patents, and bank stock, one-eighth of a million—making eight and one-eighth millions. The expenses on the civil list, three-fourths of a million; foreign intercourse, half a million; interest on the public debt, four millions; the present navy, two and a half millions; the present army, one and a half millions—making nine and one-quarter millions. The additional army will be two and a half millions; the additional navy, three millions; and interest on the new loan, near one-half a million—in all, fifteen and one-quarter millions. So in about a year or two there will be five millions annually to be raised by taxes, in addition to the ten millions we now pay. Suppose our population is now five millions, this would be three dollars a head. This is exclusive of the outfit of the navy for which a loan is opened to borrow five millions at 8 per cent. If we can remain at peace, we have this in our favor, that these projects will require time to execute; that in the meantime, the sentiments of the people in the middle States are visibly turning back to their former direction, the XYZ delusion being abated, and their minds becoming sensible to the circumstances surrounding them—to wit: the Alien and Sedition Acts, the vexations of the Stamp Act, the direct tax, the follies of the additional army and navy, money borrowed for these at the usurious interest of eight per cent.; and Mr. Gerry's communications showing that peace is ours unless we throw it away. But if the joining the revolted subjects (negroes) of France, and surrounding their islands with our armed vessels, instead of their merely cruising on our own coasts to protect our own commerce, should provoke France to a declaration of war, these measures will become irremediable.

\* \* \* \* \*

"I wish I could have presented you with a more comfortable view of our affairs. However, that will come if the friends of reform, while they remain firm, avoid every act and threat against the peace of the Union, that would check the favorable sentiments of the middle States, and rally them again around the measures which are ruining us. Reason, not rashness, is the only means of bringing our fellow-citizens to their true minds. Present my best compliments to Mrs. Lewis, and accept of my assurances of the sincere and affectionate esteem with which I am, dear Sir, your friend and servant."

The bill alluded to, continuing non-intercourse with France, became a law February 9th, and that for the augmentation of the navy on the 25th.

He wrote to Madison, January 30th:

"Petitions and remonstrances against the Alien and Sedition Laws, are coming from the various parts of New York, Jersey, and Pennsylvania; some of them very



well drawn. I am in hopes Virginia will stand so countenanced by those States, to repress<sup>1</sup> the wishes of the Government to coerce her, which they might venture on, if they supposed she would be left alone. Firmness on our part, but a passive firmness, is the true course. Anything rash or threatening might check the favorable dispositions of these middle States, and rally them again around the measures that are ruining us."

In a letter to Madison, February 5th, we have another hint of using money for political objects :

"A piece published in Bache's paper on foreign influence, has had the great currency and effect. To an extraordinary first impression, they have been obliged to make a second, and of an extraordinary number. It is such things as these that the public want. They say so from all quarters, and that they wish to hear reason instead of disgusting blackguardism. The public sentiment being now on the crest, and many heavy circumstances about to fall into the republican scale, we are sensible that this summer is the season for systematic energies and sacrifices. The time is the press. Every man must lay his purse and his pen under contribution. As to the former, it is possible I may be obliged to assume something for you. As to the latter, let me pray and beseech you to set apart a certain portion of every post day to write what may be proper for the public. Send it to me while here, when I go away I will let you know to whom you may send, so that your name shall be sacredly secret. You can render such incalculable services in this way to lessen the effect of our loss of your presence here. I shall see you on the 5th or 6th of March.

He wrote to Monroe, February 11th :

"We have already an existing army of 5,000 men, and the additional army of 9,000 now going into execution. We have a bill on its progress through the Senate for authorizing the President to raise thirty regiments (30,000), called an emergency army, in case of war with any European power, or of imminent danger of invasion from them in his opinion. And also to call out and exercise at times the volunteer army, the number of which we know not."

He wrote to Mr. Stewart, February 13th :

"The President has appointed Rufus King to make a commercial treaty with the Russians in London, and William Smith, of South Carolina, to go to Constantinople to make one with the Turks. Both appointments are confirmed by the Senate. A little dissatisfaction was expressed by some that we should never have treated with them till the moment when they had formed a coalition with the English against the French. You have seen that the Directory had published an edict declaring they would treat as pirates any neutrals they should take in the ships of their enemies. The President communicated this to Congress as soon as he received it."

<sup>1</sup> Printed "express" in the Congress edition, where it alone appears, but the word should obviously be what we have given it, or some equivalent one.

<sup>2</sup> Manufactured out of the nautical word "carreen," to heave or bring a ship to on her side.

it. A bill was brought into the Senate reciting that *arrêt*, and authorizing retaliation. The President received information almost in the same instant that the Directory had suspended the *arrêt* (which fact was privately declared by the Secretary of State to two of the Senate), and though it was known we were passing an act founded on that *arrêt*, yet the President has never communicated the suspension.<sup>1</sup> However the Senate, informed indirectly of the fact, still passed the act yesterday, an hour after we had heard of the return of our vessel and crew before mentioned. It is acknowledged on all hands, and declared by the insurance companies, that the British depredations during the last six months have greatly exceeded the French, yet not a word is said about it officially. \* \* \*

"Several parts of this State [Pennsylvania] are so violent that we fear an insurrection. This will be brought about by some if they can. It is the only thing we have to fear. The appearance of an attack of force against the Government would check the present current of the middle States, and rally them around the Government; whereas, if suffered to go on, it will pass on to a reformation of abuses. The materials now bearing on the public mind will infallibly restore it to its republican soundness, if the knowledge of facts can only be disseminated among the people."

After alluding, in a letter to Mr. Pendleton, of February 14th, to the nomination of King and Smith, as Ministers to form treaties with the Russians and Turks, he indignantly adds:

"So that as soon as there is a coalition of Turks, Russians, and English, against France, we seize that moment to countenance it as openly as we dare, by treaties, which we never had with them before. All this helps to fill up the measure of provocation towards France, and to get from them a declaration of war, which we are afraid to be the first in making. It is certain the French have behaved atrociously towards neutral nations, and as particularly; and though we might be disposed not to charge them with all the enormities committed in their name in the West Indies, yet they are to be blamed for not doing more to prevent them. \* \* \* It is at the same time true, that their enemies set the first example of violating neutral rights, and continue it to this day; insomuch, that it is declared on all hands, and particularly by the insurance companies, and denied by none, that the British spoiliations have considerably exceeded the French during the last six months. Yet not a word of these things is said officially to the Legislature.

"Still further, to give the devil his due (the French), it should be observed that it has been said without contradiction, and the people made to believe, that their refusal to receive our Envoys was contrary to the law of nations, and a sufficient cause of war; whereas, every one who ever read a book on the law of nations knows, that it is an unquestionable right in every power to refuse to receive any minister who is personally disagreeable. Martens, the latest and a very respected writer, has laid this down so clearly and shortly in his 'summary of the law of nations,' B. 7, ch. 2, sec. 9, that I will transcribe the passage verbatim. 'Sec. 9. Of choice in the person of the minister. The choice of the person to be sent as

<sup>1</sup> Two days afterwards (February 15th), the President, by a message to the House of Representatives, communicated the suspension of the *arrêt*—but he mentioned that even if it were suspended or repealed, "it should be remembered" that the one of March 2d, 1797, remained in force subjecting American seamen to be treated as pirates if found on board ships of the enemies of France. As the latter had been in force two years, without being in a single instance acted on, this was rather late retaliation!

minister depends of right on the sovereign who sends him, leaving the right, however, of him to whom he is sent, of refusing to acknowledge any one, to whom he has a personal dislike, or who is inadmissible by the laws and usages of the country.' And he adds notes proving by instances, etc. This is the whole section."

The motive here assigned for the Russian and Turkish mission, will presently receive confirmation from a quarter which places it beyond dispute.

A French corvette, captured by Decatur, had been refitted, named the "Retaliation," and placed under the command of Bainbridge. On the 20th of November, 1798, two French frigates had recaptured her. On board of one of these was Desforneaux, appointed by the Directory to supersede Hughes as their Commissioner at Guadaloupe. Hughes, so abhorred for his severities to Americans, was arrested and sent a prisoner to France. We name the preceding facts, that they may be viewed in connection with some to follow, which will, in their respective consequences, exhibit the spirit of our Government in a strong light.

Within a week of the time that the *Retaliation* was recaptured by the French (not far from the middle of November, 1798), the commander of a British squadron cruising in the West Indies, not only seized and detained part of a fleet of American merchantmen, sailing to Havana under convoy of the United States sloop-of-war *Baltimore*, but he sent on board the sloop-of-war, and took five or six of her crew, claiming them as British subjects. The insult, it would seem, would not be sufficient to impress from merchantmen, or without taking men from directly under the national flag of the United States! The Executive, while asking Congress to "remember" old and unacted-on decrees of the French Directory, involving the safety of American seamen in *foreign* service, made the forcible seizure of those, in one of its own vessels of war, as Mr. Jefferson remarks, the subject of no communication to Congress!

The concluding proposition to Pendleton, that a government has the right to refuse to receive a minister from personal objections, without giving good cause of war to the power sending him, will not now be questioned.

He wrote to Madison, February 19th:

"But the event of events was announced to the Senate yesterday. It is this: it seems that soon after Gerry's departure, overtures must have been made by

Pichon, French chargé d'affaires at the Hague, to Murray. They were so soon matured, that on the 28th of September, 1798, Talleyrand writes to Pichon, approving what had been done, and particularly of his having assured Murray that *whatever* Plenipotentiary the Government of the United States should send to France to end our differences, would undoubtedly be received with the respect due to the representative of a *free, independent and powerful nation*; declaring that the President's instructions to his Envoys at Paris, if they contain the whole of the American Government's intentions, announce dispositions which have been always entertained by the Directory; and desiring him to communicate these expressions to Murray, in order to convince him of the sincerity of the French Government, and to prevail on him to transmit them to his Government. This is dated September the 28th, and may have been received by Pichon October the 1st; and nearly five months elapse before it is communicated. Yesterday the President nominated to the Senate, William Vans Murray, Minister Plenipotentiary to the French Republic, and added, that he shall be instructed not to go to France, without direct and unequivocal assurances from the French Government that he shall be received in character, enjoy the due privileges, and a minister of equal rank, title and power, be appointed to discuss and conclude our controversy by a new treaty. This had evidently been kept secret from the Federalists of both houses, as appeared by their dismay. The Senate have passed over this day without taking it up. It is said they are gruelled and divided; some are for opposing, others do not know what to do. But in the meantime, they have been permitted to go on with all the measures of war and patronage, and when the close of the session is at hand it is made known. However, it silences all arguments against the sincerity of France, and renders desperate every further effort towards war. I inclose you a paper with more particulars."

The Federal leaders were, indeed, "gruelled," but they were but little "divided." Sedgwick wrote to Hamilton for advice, declaring that, "had the foulest heart and the ablest head in the world been permitted to select the most embarrassing and ruinous measure, perhaps it would have been precisely the one which had been adopted." He does not know, "in the dilemma to which we are reduced," whether to approve or reject the nomination.<sup>1</sup> Pickering boiled over with more impotent fury. He wrote to Hamilton, February 25th:

"We have all been shocked and grieved at the nomination of a minister to negotiate with France. There is but one sentiment on the subject among the friends of their country and the real supporters of the President's administration. Pains have been taken to ameliorate the measure by throwing it into a commission. But the President is fixed. The Senate must *approve* or *negative* the nomination. In the latter event, perhaps, he will name commissioners. I beg you to be assured, it is wholly *his own act*."

"It is utterly inconsistent with his late nominations of Mr. King to negotiate commercial treaty with Russia, and of Mr. Smith to negotiate a like treaty with

<sup>1</sup> This letter is dated February 19th. Hamilton's Works, vol. vi. p. 396.

the Porte. Both these objects will now be defeated. It was by the *proffered* aid of Russia and Great Britain, that we were induced to propose to negotiate with the Porte."<sup>1</sup>

A Committee of the Senate, to whom Murray's nomination was referred, called on the President, and, in consequence of what they heard from him, determined to reject the nomination.\* Mr. Adams said this Committee was dissatisfied with the selection of Murray; asked why he did not nominate Mr. King or our Minister at Berlin; why he did not nominate a commission of three or five instead of one: but, in direct conflict with Sedgwick's account of the interview, he represents that he acquiesced in the commission, and that the Committee then appeared satisfied, and even consented that Murray be retained in it.<sup>†</sup> There can be little doubt that Sedgwick's contemporaneous statement is the correct one, and that Mr. Adams confounded in his memory his conversation with the Committee and the later occurrences which took place.

On the 25th of February, the President nominated "Oliver Ellsworth, Esquire, Chief Justice of the United States, Patrick Henry, Esquire, late Governor of Virginia, and William Vans Murray, Esquire, our Minister resident at the Hague, to be Envoys Extraordinary and Ministers Plenipotentiary to the French Republic, with full powers to discuss and settle, by a treaty, all controversies between the United States and France." The message thus concluded:

"It is not intended that the two former of these gentlemen shall embark for Europe, until they have received from the Executive Directory, assurances, signified by their Secretary of Foreign Relations, that they shall be received in character, that they shall enjoy all the prerogatives attached to that character by the law of nations, and that a minister or ministers of equal powers shall be appointed and commissioned to treat with them"

The Senate approved the nominations.

Jefferson wrote Kosciusko, Feb. 21st, that "if we are forced into war, we must give up political differences of opinion, and unite as one man to defend our country; but," he added, "whether at the close of such a war, we shall be as free as we are now, God knows."

<sup>1</sup> Hamilton's Works, vol. vi. p. 398. We have preserved the italicization of the original. The closing sentence contains a curious confession.

\* Sedgwick (Chairman of the Committee) thus wrote Hamilton, Feb. 25th. *Ib.* p. 399.

<sup>†</sup> See Adams's Works, vol. ix. p. 260.

A letter to Madison, on the 26th, exhibits the singular fact, that Jefferson continued completely in the dark in regard to the respective attitudes of the two Federal wings, on the subject of war and peace with France—that he supposed Mr. Adams was anxious for war; that the latter dared not, however, conceal the overture made by France, but that he hoped his friends in the Senate would reject his nominations, which were only intended to parry that overture. But, conjectures Jefferson, "the Hamiltonians would not, and the others could not alone." To such strange misconstructions had Mr. Adams's conduct exposed him.

The petitions which had continued to pour into the House of Representatives, through the session, for a repeal of the Alien and Sedition Laws, had been referred to a special committee. Its chairman, Goodrich, prepared an elaborate report, sustaining the constitutionality and expediency of those laws. Jefferson, in the same letter to Madison, just quoted from, thus describes what took place when this report was presented to the House:

"Yesterday witnessed a scandalous scene in the House of Representatives. It was the day for taking up the Report of their Committee against the Alien and Sedition Laws, etc. They held a caucus and determined that not a word should be spoken on their side, in answer to anything which should be said on the other. Gallatin took up the Alien, and Nicholas the Sedition Law; but after a little while of common silence, they began to enter into loud conversations, laugh, cough, etc., so that for the last hour of these gentlemen's speaking, they must have had the lungs of a vendue master to have been heard. Livingston, however, attempted to speak. But after a few sentences, the Speaker called him to order, and told him what he was saying was not to the question. It was impossible to proceed. The question was taken and carried in favor of the report, fifty-two to forty-eight; the real strength of the two parties is fifty-six to fifty. But two of the latter have not attended this session."

The appointment of a new commission to France, of course, arrested the principal army bills. General Hamilton's "THOROUGH" was checked for the time being. No further events of the session demand our notice. Mr. Jefferson left his seat in the Senate on the 28th of February, and started for home the next day. Congress adjourned on the 3d of March.

To get a just view of Mr. Jefferson's warm political exertions during the past session, it is necessary to turn from our meagre extracts to his full correspondence. Never before or afterwards did he make such efforts as this dark crisis called forth.



There is something instructive in a comparison of the means employed to advance their objects, in the decisive struggle, by the chiefs of the two great parties.

One declared that our people were "gangrened" with bad principles—that the gangrene was spreading—that it would be unpardonable not to act on the hypothesis, that the question must be settled by force. To prepare for this, he called upon his party to use the power which he considered only transiently in its hands, to consolidate all sovereign authority in the general Government. He called upon it to raise navies and standing armies. He called for a more severe and sweeping execution of the Alien and Sedition Laws. He called for the enactment of a new law against the political liberty of speech, and the press, to which the Alien and Sedition Laws would have been mild both in their scope and the extent of their penalties.

The other chief had made up his mind a little earlier, that final resistance was preferable to a complete overthrow of the Constitution. Under his advice a solemn protest had been made against the usurpations of the federal Government. He, too, was for preparations; and his injunctions to his party were as constantly and earnestly uttered. But his preparations were confined to explanations of facts and arguments, addressed to the intelligence and integrity of the American people. He said: "the materials now bearing on the public mind will infallibly restore it to its Republican soundness, if the knowledge of the facts can only be disseminated among the people."

TO MARIA JEFFERSON EPPES.

PHILADELPHIA, Jan. 1st, '99.

MY DEAR MARIA:

I left Monticello the 18th of December and arrived here to breakfast on the 25th, having experienced no accident or inconvenience except a slight cold, which brought back the inflammation of my eyes and still continues it, though so far mended as to give hopes of its going off soon. I took my place in Senate before a single bill was brought in or other act of business done, except the Address, which is exactly what I ought to have nothing to do with; and indeed I might have stayed at home a week longer without missing any business for the last eleven days. The Senate have met only on five, and then little or nothing to do. However, when I am to write on politics I shall address my letter to Mr. Eppes. To you I had rather indulge the effusions of a heart which tenderly loves you, which builds its happiness on yours, and feels in every other object but little interest. Without an object here which is not alien to me, and barren of every delight, I turn to your situation

with pleasure, in the midst of a good family which loves you, and merits all your love. Go on, my dear, in cultivating the invaluable possession of their affections. The circle of our nearest connections is the only one in which a faithful and lasting affection can be found, one which will adhere to us under all changes and chances. It is therefore the only soil on which it is worth while to bestow much culture. Of this truth you will become more convinced every day you advance into life. I imagine you are by this time about removing to Mont-Blanco. The novelty of setting up housekeeping will, with all its difficulties, make you very happy for a while. Its delights, however, pass away in time, and I am in hopes that by the spring of the year there will be no obstacle to your joining us at Monticello. I hope I shall on my return find such preparation made as will enable me rapidly to get one room after another prepared for the accommodation of our friends, and particularly of any who may be willing to accompany or visit you there. Present me affectionately to Mrs. and Mr. Eppes, father and son and all the family. Remember now pleasing your letters will be to me, and be assured of my constant and tender love. Adieu, my ever dear Maria.

Yours affectionately.

TH. JEFFERSON.

TO MARTHA JEFFERSON RANDOLPH.

(Extracts.)

PHILADELPHIA, Jan 28d, '99.

The object of this letter, my very dear Martha, is merely to inform you I am well, and convey to you the expressions of my love. It will not be new to tell you your letters do not come as often as I could wish. This deprives me of the gleams of pleasure wanting to relieve the dreariness of this scene, where not one single occurrence is calculated to produce pleasing sensations. I hope you are all well, and that the little ones, even Ellen, talk of me sometimes. \* \* \* \* \* Kiss all the little ones, and receive the tender and unmingled effusions of my love to yourself. Adieu.

PHILADELPHIA, Feb. 5, '99.

Jupiter, with my horses, must be at Fredericksburg on Tuesday evening, the 5th of March. I shall leave this place on the 1st or 2d. You will receive this the 14th instant. I am already light-hearted at the approach of my departure. Kiss my dear children for me, inexpressible love to yourself, and the sincerest affection to Mr. Randolph. Adieu.

TO MARIA JEFFERSON EPPES.

PHILADELPHIA, Feb. 7, '99.

Your letter, my dear Maria, of January 21st, was received two days ago. It is, as Ossian says, or would say, like the bright beams of the moon on the desolate heath. Environed here in scenes of constant torment, malice and obliquy, worn down in a station where no effort to render service can avail anything, I feel that that existence is a blessing, but when something recalls my mind to my family



or farm. This was the effect of your letter, and its affectionate expressions kindled up all those feelings of love for you and our dear connections which now constitute the only real happiness of my life. I am now feeding on the idea of my departure for Monticello, which is but three weeks distant. The roads will then be so dreadful that, as to visit you even by the direct route of Fredericksburg and Richmond would add 100 miles to the length of my journey, I must defer it in the hope that about the last of March, or first of April, I may be able to take a trip express to see you. The roads will then be fine; perhaps your sister may join in a flying trip, as it can only be for a few days. In the meantime let me hear from you. Letters which leave Richmond after the 21st instant should be directed to me at Monticello. I suppose you to be now at Mont-Blanco, and therefore do not charge you with the delivery of those sentiments of esteem which I always feel for the family at Eppington. I write to Mr. Eppes. Continue always to love me, and be assured that there is no object on earth so dear to my heart as your health and happiness, and that my tenderest affections always hang on you. Adieu, my ever dear Maria.

TH. JEFFERSON.

## CHAPTER X.

1799—1800.

**The President's Inconsistency in respect to France—His Embarrassments—His Misjudged Course towards General Washington—He casts away Washington's Aid—Washington's Letter and his Reply—Virginia Elections—Washington takes part—Urges Patrick Henry to be a Candidate—He consents—The Sequel—Henry's Death—His Character and Fame—Result of the Elections—Cabinet settle Heads of Instructions for our French Envoys—The President returns to Quincy—Directs Preparation of the French Instructions—Delayed six months—Frisolous Excuses of the Cabinet—Talleyrand's Sarcasm—Instructions prepared, and Cabinet then propose to suspend the Mission—The President repairs to the Seat of Government—Finds a Convocation of Hamiltonians—His Struggle with his Cabinet—Hamilton's last Card—The Envoys dispatched—Complaints of the Cabinet—Grounds of the Objections of the Hamiltonians—The President's occasional Struggles in his Duree—Touches of the "Dwarf"—Pickering scents Sedition in Cock's Feathers—Urges President to banish Priestley—Mr. Adams vacillating—His miserable Excuse to save Priestley—Insurrection in Pennsylvania—State Prisoners—Convictions for Treason—President pardons contrary to Advice of his whole Cabinet—Enormities charged on the Troops—Editors whipped—Pennsylvania State Elections—The Candidates and the Result—Jefferson's Letters to Mrs. Eppes—His Domestic Affairs in Summer of 1799—Political Letters—Virginia and Kentucky Resolutions of 1799—Congress meet—President's Third Annual Speech—Wolcott describes to Ames the Situation of Parties in Congress—His "Engine of Government"—Ames's Reply and his "Engine of Government"—Wolcott in Private Correspondence with Mr. Pitt—Hamilton to Washington and to King—Spirit and Designs of the Federalists at this Period—Hamiltonians preparing to bring forward Washington for the Presidency—His Death—Public Demonstrations thereon—Demonstrations in France and England—Cabot's Hint to Ames to weave Politics into Eulogy of Washington—That Hint generally followed up—His Views and Principles were unlike those of Ames—His Principles and Designs equally at variance with Hamilton's—His Party Connection incidental—He was systematically deceived—A fresh and striking Instance of this—He belonged to no Party—His Fame is National—Jefferson's Political Correspondence during the Session—Letters to Priestley—"Our Bonaparte"—Congress Proceedings sketched to Madison—Party Arithmetic—Political Letters—The Election Law in Congress—The state of things in Pennsylvania it was intended for—John Randolph denounces "Ragamuffins" and "Mercenaries"—Jostled in the Theatre—His Communication to the President—Action in the House—Bills passed—The Robbins affair—"Truxton's Aggression"—"Overhauling Editor of Aurora"—Macon's Resolution to Repeal the Law in regard to Seditious Libels—His Reliance on Federal Pledges—The Pledges kept to the Letter but broken to the Spirit—The Presidential Caucuses—Adjournment—Jefferson's Letters to his Daughters—Character of the late Session—Hamilton's Quietness—His Plans and his Despondency—Reasons of that Despondency.**

**PICKERING's assertion that the President's new policy in respect to France was inconsistent with his recent nomination**

of ministers to form commercial treaties with Russia and Turkey, under the circumstances named, was undeniably true. But this was not the worst inconsistency which Mr. Adams's conduct involved. We have his own recorded declaration that when he made the nomination of Murray he had been towards five months in the possession of dispatches which completely satisfied him that France sincerely desired an adjustment—that she had made “a regular diplomatic communication” to that effect—that she in as solemn and explicit terms as the “French or English language” contained, had given “assurances of all that he had demanded as conditions of negotiation”—and that “if any thing further had been wanting,” Mr. Gerry's letters and personal conversations had “confirmed these assurances beyond all doubt in his mind.”

Yet notwithstanding this, the President had in his speech to Congress, more than two months after receiving all this information, held, at best, but an ambiguous tone; had not hinted at either the facts or his conclusions; had conveyed a generally opposite idea in regard to the attitude of France; had blustered, menaced, and fanned the war spirit of our country; and had only reopened the door to negotiation as an alternative requiring a decisive change of action on the part of France, not a step towards which, he left it to be inferred, had yet been taken.

Subsequent to this speech, Congress had been more than two months in session. Every measure adopted by it pointed to war. Navies were founded. Bills for great land armaments were reported and were on their passage. The President's letters to McHenry<sup>1</sup> and others show that no pretence can be set up that he regarded these as necessary preparations, in any event; but that, on the contrary, when he spoke his real feelings, he knew their uselessness and deprecated their expensiveness. His personal course towards France, in the matter of the Retaliation and others, was unnecessarily harsh and offensive. While keeping up, as was perhaps proper, the quasi-war with that power on the ocean, he lacked firmness, or something else, to make the gross and deliberate insult to one of our national vessels in the West Indies by England, the subject of a passing allusion to Congress. He ostensibly seized the occasion of a coalition against France to open negotiations with her enemies

<sup>1</sup> See ante, p. 432.

under the auspices of England; and he nominated ministers to conduct those negotiations, known to be as hostile to the former power as were any two persons who could be found in the United States. He sanctioned, nay, suggested a tyrannical law, designed to affix a stigma on a man for individually attempting to save our peace with France—a man whom he afterwards declared “a gentleman of fortune and education, and certainly not destitute of abilities”—whom he said, “he had no reason to believe a corrupt character or deficient in memory or veracity”—and finally, whom he even assumed especial merit for having received with respect and for giving credit to his statements on his return from that very “mission” to France, which was made the pretext of the law.<sup>1</sup> And if Mr. Adams did not also design the stigma to rest, without a shadow of criminatory proof, and contrary to the published statements of this respectable Mr. Logan, on a still more conspicuous political opponent, his motives were unlike the substantially avowed ones of many who voted for the bill.

In short, we discover nothing in the President's public conduct from the opening of Congress to the nomination of Murray, which tends to show that he was less infatuated or less infuriated than the most ultra-Federalists in his Cabinet or in Congress. So far as preserving the peace of the nation was concerned, his conduct receives no mitigation from the unquestioned fact that he had not a remote suspicion of the real object of those great war preparations on the part of the controllers of Con-

<sup>1</sup> If such inconsistency appears incredible, we will, for the better satisfaction of the reader, quote a passage from a publication which Mr. Adams made in the Boston Patriot in 1809, and which will be found in the family edition of his Works, vol. ix. p. 244. He said:

“I shall conclude this letter with another anecdote. Mr. Logan, of Philadelphia, a gentleman of fortune and education, and certainly not destitute of abilities, who had for several years been a member of the Legislature of Pennsylvania, and has since been a Senator of the United States, though I knew he had been one of the old constitutional party in that State, and a zealous disciple of that Democratical school, which has propagated many errors in America, and, perhaps, many tragical catastrophes in Europe, went to France, either with the pretext or the real design of improving his knowledge in agriculture, and seeing the practice of it in that country. I had no reason to believe him a corrupt character, or deficient in memory or veracity. After his return he called upon me, and in a polite and respectful manner informed me that he had been honored with conversations with Talleyrand, who had been well acquainted with me, and repeatedly entertained at my house, and now visited me at his request to express to me the desire of the Directory as well as his own, to accommodate all disputes with America, and to forget all that was past; to request me to send a Minister from America, or to give credentials to some one already in Europe, to treat; and to assure me that my Minister should be received, and all disputes accommodated, in a manner that would be satisfactory to me and my country. I knew the magical words, Democrat and Jacobin, were enough to destroy the credibility of any witness with some people. But not so with me. I saw marks of candor and sincerity in this relation, that convinced me of its truth.”

gressional movements—not a remote suspicion that officers in his Cabinet and the second commander in the army of the United States had concerted a combined warlike movement with England against France and Spain, and were making preparations to carry it out. If that object was a reprehensible one, he deserves no share of the blame; but no less than the parties to the Miranda scheme did he know the war preparations then making were uncalled for by the real circumstances; that they were based on an insincere pretence (the danger of a French invasion); that they would overwhelm his country with expense; and finally, that they would fearfully increase the provocatives to and consequent probabilities of an unnecessary war with France.

With his eyes open, a free moral agent, an officer clad with constitutional powers which no personal or official authority on earth could restrain from all that was necessary to arrest the evil and protect himself, he shrunk from his duty; for more than two months voluntarily left the question of peace or purely unnecessary war so quivering in the scales that a hair might turn them; and when he finally acted was so implicated himself in the practical measures set on foot by the Miranda schemers, that he could not and did not place a most meritorious act on any ground that carried the applauses of the honest portion of his own party, or disarmed the hostility and suspicion of his opponents. We have seen how completely as keen sighted a man as Jefferson was misled as to the respective attitudes of Mr. Adams and the Hamiltonians at this period with regard to our policy towards France.

At the opening of Congress, John Adams had again stood on one of those occasional points where a man commands and carves out the great lines of his own destiny. He had in his hands the speech prepared for him by Hamilton and Wolcott, and which had the sanction of his Cabinet. Had he wholly rejected this—had he stated the real facts and his own convictions in regard to our French relations—had he followed this up by immediately doing what he did two months afterwards—had he accepted the resignation of his Cabinet, if tendered, and removed them if they resisted—had he braved a rejection of his nominations by the Senate—in short, had he done what his subsequent conduct proves he knew to be his duty, and

thrown himself upon the intelligence and patriotism of his countrymen—he would have heroically won the victor's laurel or the martyr's crown. There can be no doubt which would have been the result. When the circumstances became public, an irrepressible burst of enthusiasm for the man who had preferred his country to faction and ostensibly to self, would have been heard throughout the land. The honest masses of his own party, entangled in no concealed schemes and never partial to the chief of their own ultra-wing, would have unhesitatingly sustained him. The Republicans would have necessarily sustained him in a body. He would have stood on a pinnacle of popularity which he never before had occupied during any moment of his life. He would have been reëlected to the Presidency by acclamation, in spite of any ordinary follies he could intermediately perpetrate. And what would have been worth infinitely more than popularity or office, he would have enjoyed the serene consciousness of having dared to do a great duty in a great crisis of human affairs.

He hesitated, feared, and vacillated; and though he acted in time, as things propitiously turned, to avert from himself the sin, and from his country the consequences of a needless war, he did not act in time to vindicate his consistency as a man or his character as a statesman.

Mr. Adams, it must be confessed, was in an embarrassing position. His Cabinet was against him. The Senate was against him; and as the haughty Hamiltonian leaders in that body had not hesitated so wantonly to humiliate him in the rejection of his son-in-law, though they had Washington's recommendation to rest a different action on, he had nothing to expect from their forbearance farther than it was dictated by their fears. The Hamiltonians were paramount also in the House of Representatives. Finally, what was really more formidable than all of these, Mr. Adams had against him the tremendous weight of General Washington's name. It was a hardy thing for a civilian President to act on the hypothesis that no war was threatened, or likely to become necessary to vindicate the national honor, when the great first President, the warlike leader of the Revolution, so firmly believed the contrary that he had again reluctantly girded on his sword, and had taken and continued to take an active and approving part in all the steps for the organization of the army.

The Hamiltonians understood the advantage of what Mr. Adams bitterly termed "setting a General over the President." We know of no instance where General Washington voluntarily attempted improperly to dictate to the latter; but the two were kept in a constant misunderstanding as to each other's real wishes and motives. This had been particularly the case in appointing and determining the respective rank of the major-generals. Wolcott, as intent on overriding the President's wishes on that occasion as either Pickering or McHenry, never approved of rough and bungling strategy. He wrote Hamilton: "The affair was . . . unfortunately managed, and General Washington and the President have not been understood by each other."<sup>1</sup> The unfortunate management continued, and the misunderstanding continued. Mr. Adams's official conduct towards his predecessor in the Presidency appears to have been uniformly intended to be respectful and deferential. If not his feelings, every interest clearly pointed to such a line of conduct. But his most casual differences of opinion from Washington's where there was any official coercion between them, were injuriously misrepresented by officious and exaggerating tale-bearers. Unapprised of these misrepresentations, Mr. Adams could not understand Washington's feelings and expressions in return. Both sides felt too much delicacy, and in some instances too much hurt, to seek any explanations. The frank personal confidence which ought to have existed between them therefore had no existence.

Mr. Adams, if he would have consented to overstep his pride, could at any moment have come to an explanation with General Washington which would have removed all sources of misunderstanding. All the latter required to know was the truth, not only to do justice to the President's feelings, but to treat them with delicacy and magnanimity. It may be said that Mr. Adams did not know that misrepresentations had been made, that explanations were necessary. This is very possibly true; and, at any rate, it was an affair only pertaining to themselves, which they were entitled to dispose of in their own way, without the public becoming concerned.

But the President's reserve extended to a point where the

<sup>1</sup> Wolcott to Hamilton, October 10th, 1798. (See Gibbs's *Administrations*, etc. vol. II. p. 101.)

public had a deep concern. If General Washington's course in respect to the army, and his expressions, strengthened the hands of those who were calling for great military preparations, and if Mr. Adams was in possession of reliable and abundant private information that showed that no war was really menaced, we cannot bring ourselves to doubt that the duty of the latter to his country, his duty to the Lieutenant-General of the armies of the United States, his duty to a man who in all respects occupied the position of Washington, required him promptly and frankly to communicate the facts and his opinion to the latter, in order to allow him to shape his official and personal conduct accordingly. The President knew the eagerness of his secretaries for a French war quite too well to suppose they would carry any information to Washington calculated to show him that no such war was threatened; indeed, Mr. Adams ought to have presumed, and probably did presume (though very erroneously), that the contents of important unpublished official dispatches, from a quasi-belligerent power to the United States were not without express understanding with the President, communicated by his secretaries to any persons whatever outside of the Cabinet. He had no right to assume that Washington was apprised of the contents of Murray's dispatches, or of the true character of Gerry's statements of what took place in France after Marshall and Pinckney left. He had no right to conjecture that the flood of private letters from American residents in France, and the weighty character of some of the writers, had been made known to him.

Did Mr. Adams communicate any of these facts to Washington? So far from it, that the first communication of information of this tenor was made by the latter to the former; and Mr. Adams answered it by pouring out a torrent of insane insult on the author of the information which Washington transmitted. The facts were these: Joel Barlow, on the 2d of October, 1798, addressed General Washington a letter from Paris, averring that the dispute between the governments was "simply and literally a misunderstanding;" that "the French Directory was at present sincerely desirous of restoring harmony between that country and the United States, on terms honorable and advantageous to both parties;" that they were willing to adopt the most just and liberal measures (which Mr. Barlow proceeded to specify). And that the final refusal of the American Government to treat



"would be followed by immediate war," and of "the most terrible and vindictive kind."<sup>1</sup>

This communication did not reach its destination until the 31st of January, 1799. Washington inclosed it the next day to the President. If his letter betrays strong aversion to Barlow and some suspicion of his motives, it but gives the more significance to the following passage :

"If, then, you should be of opinion that this letter is calculated to bring on negotiation upon open, fair, and honorable ground, and merits a reply, and will instruct me as to the tenor of it, I shall with pleasure and alacrity obey your orders; more especially if there is reason to believe, that it would be a means, however small, of restoring peace and tranquillity to the United States upon just, honorable, and dignified terms; which I am persuaded is the ardent desire of all the friends of this rising empire."<sup>2</sup>

This letter demonstrates, in spite of all pretended proofs that can be possibly adduced to the contrary—in spite of all triumphantly quoted warm expressions from the same quarter, made under misapprehension—that Washington was at heart not only anxious for peace, but ready to employ means, "however small," to "bring on negotiations upon open, fair, and honorable ground." His catching so promptly at this single purely unofficial and only conjectured intimation of the Directory—his willingness to see such an unofficial line of communication adopted between our Government and that of France—his readiness, notwithstanding personal feelings, to make himself the instrument of that communication on one side, show how he viewed and how he was disposed to avail himself of far less direct and authoritative overtures to pacification than had then been months in Mr. Adams's possession. And they afford satisfactory proof of what would have been the effect of all of Mr. Adams's information, had it been placed frankly and without discoloration before him.

If, then, the President had the prestige of Washington's colossal fame to awe him from his duty, the fault was all his own. Nor is this quite the worst. His reply to the communication of the latter was late,<sup>3</sup> calculated to mislead, and of a tenor admirably adapted to discourage all further attempts to

<sup>1</sup> For Barlow's able letter, see Washington's Works, vol. xi. p. 560.

<sup>2</sup> Washington's Works, vol. xi. p. 399.

<sup>3</sup> That is late, considering the subject and the person addressed. Mr. Adams replied February 19th, after his nomination of Murray!

advise with him from the serious and dignified man to whom it was addressed.<sup>1</sup>

Before giving the sequel of Mr. Adams's new step, we will turn our attention to some intervening matters of interest.

The elections in Virginia of members of Congress and of the State Legislature in the spring of 1799, attracted profound and general attention. The Kentucky and Virginia Resolutions of the preceding year, had not met with a favorable response from the other States. It was the especial desire of the Federalists to elect a legislature in the latter State, which would rescind those resolutions. The popular reaction caused by the XYZ dispatches had by no means subsided. The President's real course in the late transactions was but very dimly understood. He rather appeared to the country in the light of a brave officer

<sup>1</sup> It is, we confess, impossible for us to fathom the whole spirit of Mr. Adams's reply. We could understand his puerile ribaldry in regard to Barlow, for that gentleman's powerful pen had (as it had been made to appear in a court of law) characterized Mr. Adams's conduct as that of a madman. But what means the last paragraph below? Was the writer anxious to sail under false colors—to pass for one of the stiffest haters and scorners of France—for a genuine high church Federalist? Or did his insane vanity bristle up because Washington had interfered—because the latter had presumed to imagine he could of possibility render some needful assistance to the “sovereign authority *quo ad hoc*?” The last is probably the true solution. But the reader will judge. After saying that “yesterday he had determined to nominate Mr. Murray,” in consequence of Talleyrand's communications, Mr. Adams proceeded:

“Barlow's letter had, I assure you, very little weight in determining me to this measure. I shall make few observations upon it. But, in my opinion, it is not often that we meet with a composition which betrays so many and so unequivocal symptoms of blackness of heart. The wretch has destroyed his own character to such a degree, that I think it would be derogatory to yours to give any answer at all to his letter. Tom Paine is not a more worthless fellow. The infamous threat which he has debased himself to transmit to his country to intimidate you and your country, ‘that certain conduct will be followed by war, and that it will be a war of the most terrible and vindictive kind,’ ought to be answered by a Mohawk. If I had an Indian chief that I could converse with freely, I would ask him what answer he would give to such a gasconade. I fancy he would answer that he would, if they began their cruelties, cut up every Frenchman joint by joint, roast him by a fire, pinch off his flesh with hot pincers, etc. I blush to think that such ideas should be started in this age.

“Tranquillity upon just and honorable terms, is undoubtedly the ardent desire of the friends of this country, and I wish the babyish and womanly blubbering for peace may not necessitate the conclusion of a treaty that will not be just nor very honorable. I do not intend, however, that they shall. There is not much sincerity in the cant about peace: those who snivel for it now, were hot for war against Britain a few months ago, and would be now, if they saw a chance. In elective governments, peace or war are alike embraced by parties, when they think they can employ either for electioneering purposes.”—*Adams's Works*, vol. viii, p. 625.

In Mr. Adams's justification of himself in 1809, for reopening negotiations with France, he particularly mentioned this letter of Washington of Feb. 1, 1799, and drew from it, among others, the following inferences: “that he was so desirous of peace, that he was willing to enter into correspondence with Mr. Barlow, a private gentleman, without any visible credentials or public character, or responsibility to either Government, in order to bring on a public negotiation!” Here again, as in Logan's case, we have Mr. Adams assuming to rise above the prejudices of his party in the following exquisite specimen of consistency: “I however considered General Washington's question, whether Mr. Barlow's [letter] was written with a very good or a very bad design; and with all my jealousy, I had not sagacity enough to discover the smallest room for suspicion of any ill design. I frankly concluded that it was written with a very good one.”—*Adams's Works*, vol. ix, p. 242.

who had driven France to solicit terms of arrangement. If a useless army in our midst was not of itself an agreeable object of contemplation, multitudes had been kept firmly convinced that it was liable at any moment to be called into active service to defend our firesides and our fanes. If the prospect of increased taxes was not one to enlist partiality, the public knew that war required preparation; and the public blood was already heated by our quasi-war with France on the ocean. On the whole, the Federalists entered the elections under advantageous auspices.

We have seen how actively Mr. Jefferson was exerting himself in his political correspondence. Madison, Monroe, Giles, Nicholas, Taylor, Mason, Tazewell, and a brilliant band of younger men, were as industrious on the same side. On the other, Marshall, one of the Ministers ordered out of France, and General Lee, were making great efforts. General Washington's immense personal influence was now for the first time brought to bear in a local political struggle. He wrote Patrick Henry, January 15th, 1799:

"It would be a waste of time to attempt to bring to the view of a person of your observation and discernment, the endeavors of a certain party among us to disquiet the public mind with unfounded alarms; to arraign every act of the Administration; to set the people at variance with their Government; and to embarrass all its measures. Equally useless would it be to predict what must be the inevitable consequences of such a policy, if it cannot be arrested.

"Unfortunately, and extremely do I regret it, the State of Virginia has taken the lead in this opposition. I have said the *State*, because the conduct of its Legislature in the eyes of the world will authorize the expression, and because it is an incontrovertible fact, that the principal leaders of the opposition dwell in it, and that with the help of the chiefs in other States, all the plans are arranged and systematically pursued by their followers in other parts of the Union; though in no State except Kentucky, that I have heard of, has the legislative countenance been obtained beyond Virginia."

After giving some reasons for the previous successes of the opposition in Virginia; dilating on the importance of "such a crisis as this, when everything dear and valuable to us was assailed;" and portraying the disastrous consequences which would ensue if, by reason of "activity and misrepresentation on one side, and supineness on the other," the Republicans, "accumulated by intriguing and discontented foreigners under proscription, who were at war with their own governments, and the greater part

of them with all governments," should carry the election; he asked Mr. Henry to come forward as a candidate for representative in the General Assembly of Virginia. And he added:

"Your weight of character and influence in the House of Representatives would be a bulwark against such dangerous sentiments as are delivered there at present. It would be a rallying point for the timid, and an attraction of the wavering. In a word, I conceive it to be of immense importance at this crisis that you should be there; and I would fain hope, that all minor considerations will be made to yield to the measure."<sup>1</sup>

Mr. Henry listened to this earnest appeal; offered himself for the representation of Charlotte; and the last effort of that eloquence which in the Virginia Convention had been so vehemently directed against the adoption of the Federal Constitution, as too strongly favoring consolidation, was now heard advocating the doctrine that "Virginia was to the Union, only what Charlotte county was to Virginia"—pronouncing the Alien and Sedition Laws "good and proper"—and depicting "Washington at the head of a numerous and well appointed army, inflicting military execution" on the people of Virginia, as the probable ultimate consequence of their persisting in the line of policy laid down in the resolutions of 1798.<sup>2</sup> Mr. Henry was elected. His eloquent biographer thus gives the sequel:

"His intention having been generally known for some time before the period of the State elections, the most formidable preparations were made to oppose him in the Assembly. Mr. Madison (the late President of the United States), Mr. Giles of Amelia, Mr. Taylor of Caroline, Mr. Nicholas of Albemarle, and a host of young men of shining talents from every part of the State were arrayed in the adverse rank, and commanded a decided majority in the House. But Heaven in its mercy saved him from the unequal conflict. The disease which had been preying on him for two years now hastened to its crisis; and on the sixth of June, 1799, this friend of liberty and of man was no more."<sup>3</sup>

Patrick Henry was not without his share of human weakness. If he had faults, an honest change of opinion, however mistaken, is not to be ranked as one. He was unquestionably as honest in the last act of his public life as he was in that glorious first one, when, an obscure young man, he threw himself in front of the old Whig leaders of Virginia, and lit the torch:

<sup>1</sup> Sparks's Washington, vol. xi. pp. 388-391.

<sup>2</sup> Wirt's Life of Henry, p. 411.

<sup>3</sup> Wirt's Life of Henry, p. 409.

of the Revolution. Except in his divine gift of oratory, there were others perhaps greater than he; but not one was so indispensable. He was the Tribune of the People—the exponent of their innermost hearts—the master of the magical key which unlocked and gave the control of their minds. There was a lyrical splendor and depth of feeling in his oratory which moved the most learned and saturnine; but when it descended on the thirsty and loving ears of the multitude, it fell like flame on dry combustibles. There was not a passion or emotion in the common heart, which the mighty master could not as rapidly touch singly or in combination as the skillful player touches the keys of his instrument. Every note in the heart's diapason was within his perfect command, from the tenderest emotion of love or pity to the fierce extremity of rage: and he could dissolve the brown multitude into unwonted tears, or precipitate them raging and roaring on the foe. He was the first—incomparably the first—orator of his country. None approached him but (in his great moods) titanic John Adams.

When Patrick Henry went down to the grave in 1799, he left not a warmer, a braver, or a truer heart behind. All that was erring or drossy in his career, then perished. His labors and his motives alone survived; and his fame—not an abstraction resting on a cold conviction of the understanding, but a sentiment bearing somewhat the warmth of personal love—was left a patrimony to his State.

That State has been the teeming mother of great men. The American who has closely studied the history of the Revolution—whose heart has kindled to that great epic—visits Virginia for the first time with associations and memories which kindle at every step. Every ripple of a Virginia river, every sigh of a Virginia breeze, syllable to his ear the names of her great dead. And in the long array, not a name comes oftener or warmer before the mind's eye and ear than that of Patrick Henry.

Mr. Henry's last speech at Charlotte Court House, at the March court,<sup>1</sup> was answered by the Republican candidate for Congress in the district of which his county formed a part—"a tall, slender, effeminate looking youth," with "light hair combed back into a well-adjusted cue—pale countenance, a beardless

<sup>1</sup> Mr. Wirt erroneously places the date of this speech at the opening of the polls in April. (See Randolph to Mrs. Bryan, Garland's Randolph, vol. i. p. 130.)

chin, bright, quick hazel eye, blue frock, buff small clothes, and fair top boots." This individual, John Randolph of Roanoke, now a candidate for office the first time, was elected to Congress over Powhatan Bolling, the Federal candidate, who was also present at the March court—"dressed in his scarlet coat, tall, proud in his bearing, and a fair representative of the old aristocracy."<sup>1</sup>

Marshall beat Clopton, the late member, for Congress, in the Richmond district; and General Henry Lee beat Jones, the Republican candidate in the Westmoreland district. General Washington rode ten miles to deposit his vote. "With infinite pleasure," he wrote, "he received the news of Marshall's election."<sup>2</sup> He only regretted that his and Lee's majorities had not been larger—but "as the tide was turned, he hoped it would come in with a full flow—but this would not happen if there was any relaxation on the part of the Federalists."<sup>3</sup>

The Federalists carried upwards of a third of the members. The legislature remained strongly Republican.

The Federal gains in the Congressional election, about corresponded with these throughout the entire South. In the middle States there was little change. In New England the triumph of that party was overwhelming.

President Adams called a Cabinet meeting on the 10th of March, to consult upon the instructions to be given to the new Envoys to France. These were agreed upon, and reduced to writing on the 11th. The points settled as "ultimata," were: that France should indemnify our citizens for spoliations on their commerce committed by the armed vessels of France, or by the adjudication of her courts; that no condemnation of American vessels for want of a *rôle d'équipage*,<sup>4</sup> should be held valid, and that this point was to be considered settled in advance, if commissioners should be agreed upon to adjust claims; and that the United States should not stipulate to guarantee any part of the dominions of France.<sup>5</sup>

<sup>1</sup> Garland's Life of Randolph, vol. i. pp. 129, 130.

<sup>2</sup> Letter to Marshall, May 5th. Sparks's Washington, vol. xi. p. 424.

<sup>3</sup> Letter to Bushrod Washington, May 5th. Sparks's Washington, vol. xi. p. 425.

<sup>4</sup> An ancient ordinance of France authorized their ships of war to capture as pirates vessels not having a *rôle d'équipage*, that is, articles signed by the seamen, and countersigned by a public officer. It was on this ground that many of the American captures and condemnations had been made.

<sup>5</sup> Adams's Works, vol. viii. p. 637.

The President and his family set out for Quincy on the 11th of March. The yellow fever was expected in Philadelphia, and this somewhat accelerated his departure; but Mr. Adams had adopted the custom of his predecessor, to spend the greater portion of the summer at home. His distance from the seat of Government, and the discrepancy between his views and those of his Cabinet, rendered a custom, never a favorable one to a rapid and harmonious transaction of business, exceedingly prejudicial to the success of his administration. The secretaries who represented the Government at the capital would necessarily determine minor questions, and all those demanding instant action—and on greater ones, they could, by misrepresentation, by spinning out discussion, or by availing themselves of incidental excuses for delay, either misdirect the President, or seriously retard any course of action which was disagreeable to them, unless he should resort to that abrupt and mandatory tone which is not tolerated between the official head and the subordinates of a government, where the parties are gentlemen.

The President "had repeatedly endeavored to impress upon the mind of the Secretary of State, the necessity of transmitting to him, as soon as possible, his draught of the instructions,"<sup>1</sup> but they were not sent until the 10th of September, six months after their heads were determined on in the Cabinet.<sup>2</sup> And the next day after they were sent, the Cabinet, with the exception of the Attorney-General, then absent in Virginia, "entreated him to suspend the mission."<sup>3</sup>

To estimate properly the conduct and motives of the Cabinet,

<sup>1</sup> Adams's Works, vol. ix. p. 251.

<sup>2</sup> The author of the "Administrations of Washington and Adams" (a descendant of one of the members of the Cabinet), assumes that after agreeing on the heads of the instructions (before the President left Philadelphia), "things necessarily remained in this state until intelligence could be received of Talleyrand's answer to the President's requisitions," after which the Cabinet set about preparing the instructions "in good faith; but before they could be completed, the breaking out of the yellow fever made it necessary to remove the public offices to Trenton, "which occasioned a short further delay." The delay in framing this document, in order to hear from Talleyrand, does not appear to have been made by the wishes of the President, and it was certainly in no point of view necessary. The removal to Trenton (in August) need not have hindered for any length of time the preparation of an important and necessary State paper. The heads being definitely settled, and few in number, three days was more than sufficient to prepare the instructions, and that number of hours would probably have sufficed, on a pinch, when Mr. Jefferson was Secretary of State. We confess Mr. Gibbs's reasons sound to us like the merest pretexts: and that he, speaking for Wolcott, could assign no better ones, would appear to show that none existed.

<sup>3</sup> This letter was only signed by Pickering, but all had concurred in it but Lee. Hamilton says of this, his Ministers "addressed him a joint letter."—*Hamilton's Works*, vol. vii. p. 710.

it is necessary to take into view some preceding circumstances.

On the 6th of March a letter had been written to Murray, at the Hague, instructing him to inform the French Minister of Foreign Relations of the appointment of the American Envoys, but that they would not embark for Europe, until they received from the French Government "direct and unequivocal assurances" as to their proper reception. Murray forwarded this statement to Talleyrand, May 5th, and was answered May 12th, as follows :

"The Executive Directory . . . sees with pleasure that its perseverance in pacific sentiments has kept open the way to an approaching reconciliation. It has a long time ago manifested its intentions with respect to this subject. Be pleased to transmit to your colleagues and accept yourself the frank and explicit assurance that it will receive the envoys of the United States in the official character with which they are invested, that they shall enjoy all the prerogatives which are attached to them by the law of nations, and that one or more ministers shall be authorized to treat with them.

"It was certainly unnecessary to suffer so many months to elapse for the mere confirmation of what I have already declared to Mr. Gerry, and which after his departure, I caused to be declared to you at the Hague. I sincerely regret that your two colleagues await this answer at such a distance."

To this last remark, Pickering bristled up. He thought it "a reproach or insult" very unnecessarily "insinuated." Wolcott's sensibilities were equally disturbed at the "keen and malicious insult conveyed in Talleyrand's letter." Mr. Adams, perhaps, thought it would be awkward to take an issue—an issue involving a question of war and peace, on a paragraph, which, if untrue, had no force beyond that of a civil diplomatic pretence. It required the tacit admission of the truth of the adroit Frenchman's assertion to convert it into a sarcasm. The six months' country atmosphere of Quincy had still further cooled the fever of the President's blood, and he replied to Pickering: "It is far below the dignity of the President of the United States to take any notice of Talleyrand's impertinent regrets, and insinuations of superfluities."

On the 31st of July Pickering inclosed to Mr. Adams the dispatches containing the unconditional official assent of the

\* Adams's Works, vol. ix. p. 10—note.

\* Gibbs's Administrations, etc., vol. ii. p. 279.

\* Adams to Pickering, August 6th. Adams's Works, vol. ix. p. 10.

\* See *ibid.*



French Government to all the steps which the American Executive had insisted on, preparatory to sending its Ministers. It was six weeks after this (on the 11th of September), that Mr. Pickering, speaking his own sentiments, and those of three other colleagues, proposed to suspend the mission, because information had been received that Treilhard had been dismissed from the Directory; la Reveillère, le Peaux and Merlin had been dismissed; threats were being "uttered by the military of a king;" and "another explosion" appeared imminent.<sup>1</sup> Mr. Adams treated this reasoning as "a mere quibble, too much like an attorney's plea in abatement, when gravely alleged."<sup>2</sup>

"Astonished at this unexpected, this obstinate and persevering opposition to a measure" which appeared to him, not only "essential to the peace and prosperity of the nation," but to "the honor of the Government at home and abroad,"<sup>3</sup> the President—as he should have done some months before—set out for the seat of Government. On the way, he called on Chief-Justice Ellsworth, one of the Envoys. At Trenton he found another Envoy, General Davie, of North Carolina, who had been appointed to a vacancy occasioned by Mr. Henry's declining to serve. Hamilton had arrived a few hours before the President, and Ellsworth, the President's late entertainer, wholly unexpectedly to the latter—but probably not so to Hamilton, or the Cabinet—arrived two or three days after. This gathering was, doubtless, preconcerted.<sup>4</sup> Preparations for a final struggle were evidently making! Six days were spent in conferences between the President and the four heads of departments,<sup>5</sup> they making a most determined effort<sup>6</sup> to stave off the embarkation of the Envoys until spring—believing that nothing was more certain

<sup>1</sup> Adams's Works, vol. ix. p. 24. See also Wolcott's Statements in Gibbs's Administrations, etc., vol. ii. p. 279.

<sup>2</sup> Adams's Works, vol. ix. p. 256—note.

<sup>3</sup> *Ib.* p. 252.

<sup>4</sup> Hamilton subsequently declared that he went to Trenton to meet General Wilkinson, in pursuance of an arrangement before made; and that when he left New York, on this journey, "he had no expectation whatever that the President would come to Trenton." This was doubtless literally true. The remark, however, does not extend to the President's Cabinet and the Envoys.

Mr. Ellsworth wrote the President the day after the latter stopped at his house, that since the President's departure, he had "concluded to meet Governor Davie at Trenton, which he would probably expect," and he "regretted that he did not consult" the President "on the subject of the propriety of this visit, but if he erred, experience had taught him that the President could excuse."

<sup>5</sup> Lee continued absent. The conferences lasted from the 10th to the 15th of October inclusive.

<sup>6</sup> Stoddert, however, was more diffident in his opinions than the rest, and was respectful in his tone and manner.

than that Louis XVIII. was on the point of being restored. Ellsworth evidently concurred with the Hamiltonians, and was in their confidence,<sup>1</sup> though he finally declared himself willing to embark when the President pleased.<sup>2</sup> Davie alone was in favor of proceeding immediately. Mr. Adams directed the instructions to be prepared.

A little before, or a little after this,<sup>3</sup> Hamilton played his last card, by seeking a personal interview with the President. Mr. Adams describes him as repeating over and over again the certainty of the speedy restoration of the Bourbons, and working himself up to a great pitch of "heat and effervescence" on the subject.<sup>4</sup>

The instructions were prepared, and unanimously approved by the President and his Cabinet; and the next morning (October 16th), the former requested the Envoys to embark as soon as possible. Hamilton afterwards bitterly complained, that this last direction was given without another Cabinet consultation.<sup>5</sup> The biographer of one of the Cabinet, extends the idea a little further, by alleging that the President "entrapped his officers into preparing the way for a measure they disapproved."<sup>6</sup> Repeated insinuations of Wolcott show, that his biographer was in this but the organ of his own sentiments;<sup>7</sup> and the distressed Secretary exclaimed: "Thus are the United States governed, as Jupiter is represented to have governed Olympus; without regarding the opinions of friends or enemies, all are summoned to hear, reverence, and obey the unchangeable fiat."<sup>8</sup>

It would seem that the question of dispatching the envoys

<sup>1</sup> See Adams's Works, vol. ix. p. 254, and note.

<sup>2</sup> So Mr. Adams expressly declares that Ellsworth informed him. This is ostensibly denied by Mr. Gibbs, who says that it is "very well known" that Ellsworth "to the last disapproved of the mission," and would have refused to go, "but for the apprehension that Madison or Burr would have been sent in his place." (Vol. ii. p. 274.) Mr. Gibbs offers no proof of his assertion. His history of these events, the reader will understand, derives its special importance from the circumstance, that it is to be considered the exposition of facts, as they were claimed to exist by Wolcott and consequently by the Cabinet.

<sup>3</sup> Mr. Adams states before; Mr. Gibbs states later. The point is not material. Adams's Works, vol. ix. p. 255, and note.

<sup>4</sup> Adams's very contemptuous account of this interview will be found in his Works, vol. ix. p. 255. After giving Hamilton's positions, he says:

"His eloquence and vehemence wrought the little man up to a degree of heat and effervescence like that which General Knox used to describe of his conduct in the battle of Monmouth, and which General Lee used to call his paroxysms of bravery, but which he said would never be of any service to his country."

<sup>5</sup> In his letter on "The Public Conduct and Character of John Adams." See Hamilton's Works, vol. vii. p. 710, *et seq.*

<sup>6</sup> Gibbs's Administrations, etc., vol. ii. p. 269.

<sup>7</sup> Wolcott to Hamilton; see *ibid.* p. 278.

<sup>8</sup> Wolcott to Cabot; *ib.* p. 286.

was sufficiently embraced in the subject-matter of the six days' debate. Were this otherwise, the idea that the circumstances afford any ground for the position that the President "entrapped" his Cabinet, or exceeded his own proper powers, is simply absurd; and the very hypothesis shows, that the miserable Cabinet domination unknown to our Constitution had reached such a pitch, that its members considered themselves equal partners in both the consequence and power of the President. Mr. Adams declared to the Secretary of the Navy, at the time, that he "avoided any consultation out of respect to them [the Cabinet], as he had fully deliberated on the subject, and his determination was irrevocable."<sup>1</sup> He might probably have added, that he did not desire unnecessarily to expose himself to another week's exhibition of partisan violence, not unmixed with a degree of personal disrespect to himself.<sup>2</sup>

The real objections of Hamilton, and his followers in the Cabinet, to the renewal of negotiations with France, are now fully disclosed. Those negotiations were likely to result in a speedy adjustment. This would leave no starting-point, no pretext for an attack on the Spanish domination in South America. It would leave no excuse, no blind for the country at home, to raise navies and armies to be ready to act in that direction, with or without a pretext. Established peace with France, at this period, would be a death-blow to the great Miranda scheme!

Could the parties to that scheme have known that the facts concerning it would one day come to light, it might not have prevented them from exhibiting a long tissue of carefully woven and completely hypocritical explanations of their opposition to a reopening of negotiations with France; for this was necessary to veil their own motives from the public, and to pull down Mr. Adams, henceforth to be hunted by them with even greater rancor than they hunted the Republican leaders. But we fancy if some of them had suspected that their network of plot and intrigue would ever become visible to all eyes, they would have abstained in public documents expected to become permanent, from their pathetic lamentations over the decadence of national honor, so cruelly sacrificed by Mr. Adams's "humili-

<sup>1</sup> Gibbs's Administrations, etc., vol. ii. p. 269; Hamilton confirms this. Works, vol. vii. p. 711.

<sup>2</sup> See Adams's Works, vol. ix. p. 256—note.

ation" to France. At all events they probably would not have indulged, in such documents, in hypotheses of explanation, and even in direct affirmations of fact, which unerringly convict them of gross and intentional deception. We shall have more on this point.

The result of the new French mission was the best commentary on the propriety of Mr. Adams's conduct in its establishment. It led to a speedy, honorable and advantageous pacification. Mr. Adams's great and unpardonable error, both as a statesman and a politician, was in not acting earlier. He fortunately saved the peace of his country, but he fell himself; and what was far more disastrous, he fell meriting his doom.

The humiliation of that duress of feeling and judgment to which he contemporaneously submitted in other matters, broke out in occasional expressions which betray the throes of his shame and his anguish. For example, in answer to a proposition from McHenry to raise six additional companies of cavalry,<sup>1</sup> accompanied by an intimation that he had previously delayed it "to husband our means," Mr. Adams wrote (July 27th):

"'Our means!' I never think of our means without shuddering. All the declamations as well as demonstrations of Trenchard and Gordon, Bolingbroke, Barnard, and Walpole, Hume, Burgh, and Burke, rush upon my memory and frighten me out of my wits. The system of debts and taxes is levelling all governments in Europe. We have a career to run, to be sure, and some time to pass before we arrive at the European crisis; but we must ultimately go the same way. There is no practicable or imaginable expedient to escape it, that I can conceive."<sup>2</sup>

On learning from Pickering that all did not go well with our Russian and Turkish embassies, the President gave way to the following burst of feeling:

"There is not a question in mathematics or physics, not the square of the circle or the universal menstruum, which gives me less solicitude or inquietude than the negotiations with Russia and the Porte. Mr. King's official assurances induced me to nominate the missions, and if there has been anything hasty in the business, it was Mr. King's haste."<sup>3</sup>

Of the same period we find a manly letter of the President, directing the Secretary of State to allow Mr. Gerry's accounts

<sup>1</sup> As per instructions of Hamilton See Hamilton's Works, vol. v. p. 275.

<sup>2</sup> Adams's Works, vol. ix. p. 4.

<sup>3</sup> Ib. p. 9.

as an Ambassador (refused by Pickering on the most sordid and trivial pretexts), and saying, "he is ashamed to make any remarks" on one of the heads, and "shall not do it unless driven to the necessity of it."<sup>1</sup>

We could pity Mr. Adams as a just, and possibly even as a sensible and discreet man, entangled in the meshes of a cabal, and afraid to break abruptly away, were it not for two considerations. He had irresistible power by a word to sweep this cabal out of his path. And next, we find a painful exhibition of human nature, and of Mr. Adams's particular nature, in the undeniable fact that after he fully understood the temper of his Cabinet, his struggles against the current of their selfish, unscrupulous, and virulent partisanship,\* were but spasmodic and confined to particular topics. In others, he swam with that current.

We have had touches of the man, and now for the "dwarf."

We find the Secretary of State disclosing to the President of the United States (July 24th) information which he evidently regarded as important; and he at all events followed up the communication with a suggestion important to some of the parties concerned. He had obtained information which led him very strongly to suspect that William Duane, editor of the *Aurora*, was not, as he pretended, a native born citizen of the United States. That individual's dangerous proceedings, and the proposed corrective, are thus set forth :

<sup>1</sup> Adams to Pickering; Adams's Works, vol. ix. p. 7. It would appear from this letter that Pickering proposed to deprive Mr. Gerry of his salary for the period he remained in France after receiving Pickering's letter by Mr. Humphreys; that he proposed to charge him with a part of his ship stores as unnecessary, etc. etc.! Mr. Adams's biographer says, "Mr. Adams's interference was necessary to check the petty vexations to which Mr. Pickering's hostility was subjecting Mr. Gerry. It was not, however, effective until Mr. Marshall came into office" (ib. p. 8—note). See also Austin's Life of Gerry, vol. ii. p. 277—note.

<sup>2</sup> We wish, in all cases, to be understood as limiting this class of remarks to the majority of the Cabinet—the responsible Cabinet—unless the contrary is expressly specified. And it will not be specified, because, although we think both Stoddert and Lee gave highly erroneous votes on some occasions, we have found no fact which fairly impeaches their integrity as men, or their fidelity to their official principal. Neither of them were Hamiltonians, we apprehend. Stoddert certainly was not, as appears in the following passage of a letter which will be found quoted in Adams's Works, vol. ix. p. 301—note :

"As to General Hamilton, I scarcely knew him; and perhaps my crime as to him was, that though believing highly of the brilliancy of his talents, and of his sincere patriotism and honorable principles, I never entertained a very exalted opinion of his discretion or the solidity of his judgment, and always thought it an unfortunate circumstance for the Federal party, and, of course, for the country (for I believe the views of that party have always been directed to the best interests of the country), that the opinions of this gentleman were deemed so oracular."

"I presume, therefore, that he is really a British subject, and as an alien liable to be banished from the United States. He has lately set himself up to be the captain of a company of volunteers, whose distinguishing badges are a plume of cockade feathers and a *small* black cockade with a *large* eagle. He is doubtless a United Irishman, and the company is probably formed to oppose the authority of the Government; and in case of war and invasion by the French, to join them."<sup>1</sup>

We have adhered to the original italicization of this grave document.

It was just a week after, that Pickering communicated the long surveillance he had kept over Collot (a prisoner to the English) and Schweitzer, while liming twigs to catch the supposed General Surrurier "in disguise." And he had scented another dangerous alien. He said:

"Dr. Priestley was at the Democratic assembly on the 4th of July, at Northumberland. But what is of more consequence, and demonstrates the doctor's want of decency, being an alien, his discontented and turbulent spirit, that will never be quiet under the freest government on earth, is his 'industry in getting Mr. Cooper's address printed in handbills and distributed.' 'This,' Mr. Hall [Pickering's informer] adds, 'is a circumstance capable of the fullest proof.' Cooper has taken care to get himself admitted to citizenship. I am sorry for it; for those who are desirous of maintaining our internal tranquillity must wish them both removed from the United States."<sup>2</sup>

He at the same time informed the President that he had directed a prosecution to be instituted against Duane for a printed libel on the President, and that he had desired Mr. Rawle (Attorney of the United States) "to examine his newspaper and to institute new prosecutions as often as he offends."

Mr. Adams, in reply, rages: "He disdains to attempt a vindication of himself against any lies of the Aurora," but "if Mr. Rawle does not think this paper libellous, and if he does not prosecute it, he will not do his duty." After this broad hint, proceeding as it did from the appointing power, Mr. Adams proceeds to say that he is also "very willing to try the strength" of the Alien Law upon the martial editor, whose plume and cockade gave such dangerous evidence of his design to oppose the authority of the Government, by arms, in any event, and of his determination to join the French in case of invasion!<sup>3</sup> Two weeks afterwards Mr. Adams admits that he fears the Alien Law is unconstitutional.<sup>4</sup>

<sup>1</sup> Adams's Works, vol. ix. p. 4.

<sup>2</sup> *Ib.* p. 6.

<sup>3</sup> *Ib.* p. 6.

<sup>4</sup> *Ib.* p. 14.

He was willing "to try" the law, too, in case of Collet. He had in fact authorized his and Schweitzer's banishment a year earlier. "He did not think it wise to execute the Alien Law against poor Priestley at present. He was as weak as water, as unstable as Reuben or the wind. His influence was not an atom in the world,"<sup>1</sup> etc., etc.

This "unstable Reuben" had received strong professions of Mr. Adams's admiration before this, and he was to receive them as warmly again. Mr. Adams attempting to execute an unconstitutional law against such a man as Doctor Priestley would have scarcely presented as humiliating a spectacle as his stooping to render such an excuse to a subordinate for sparing him!

It is pitiful between the President's paroxysms of manly feeling to find him more than half the time ready to hunt in couples with his tormentors—either to chime in with, or pretend to chime in with, their worst acts and feelings. The less degrading hypothesis is that he was in earnest; and it is probably the true one. In spite of that knowledge of their real character which was breaking in upon him, his passions where there was an opportunity to work upon them kept him the easy instrument of his secretaries. The boy does not more readily lash his top into motion than they, under the conditions named, lashed him into the course of action they desired.

His administration, like his predecessor's, was to have its "insurrection" and its "State trials." An attempt to enforce the window tax led to a violent fermentation in the counties of Northampton, Bucks and Montgomery,<sup>2</sup> in Pennsylvania. Mobs collected in the first named county and drove away the government measurers. Warrants were issued and about thirty of the rioters were arrested. At the village of Bethlehem, a party, a portion of whom were armed, rescued the prisoners from the marshal. The President issued his proclamation, and a detachment of United States troops and Pennsylvania militia marched forthwith to the scene of disturbance. No resistance was made; and Fries, the ringleader of the rescuing party, and about thirty other persons, were arrested. Fries was indicted for "treason,"

<sup>1</sup> Adams's Works, vol. ix. p. 14.

<sup>2</sup> Counties lying on the Delaware, and not in the seat of the former insurrection, as apparently hinted by a writer under our eye.

(Judge Chase presiding) and found guilty; but a new trial was granted. He was ultimately again found guilty, as were two of the other prisoners, on a ruling of the court which brought their offence within the definition of treason. Mr. Adams dissented from this opinion; and, contrary to the advice of his entire Cabinet, pardoned the three convicts.<sup>1</sup> His official correspondence shows him to have been cautious and humane in permitting the shedding of human blood by the decision of federal courts, civil or military. And he probably never exercised that discretion more wisely than in the present instance.

Several Republican editors charged great cruelties on the troops that marched to quell "Fries's Insurrection." They accused them of living at free quarters on the people—of putting heavy chain shackles so closely on the wrists of some old men whom they captured, as to cut or wear them to the bone—of maltreating women, and other enormities. It is probable great exaggerations entered into these statements; but it is, perhaps, quite as probable that the troops behaved as government troops are very apt to do, when called out against "insurgents."

A party of the officers seized and severely beat an editor, at Reading, for his strictures on their conduct; and two or three of them fell upon Duane, of the *Aurora* (on his own premises we believe), and inflicted a similar chastisement on him. As no official notice was taken of these acts, the Republican press claimed that they were the foretaste of what the people and a free press had to expect from an army, raised to fight no foreign foe.<sup>2</sup>

The Pennsylvania State elections were to take place the same summer. The Presidential election was approaching, and the preceding would measurably foretell, if not pave the way for, its result. Pennsylvania would, in all probability, turn the scale.

<sup>1</sup> His questions to the Cabinet, showing that dissent, their reply, and his final determination "to take on himself alone the responsibility of one more appeal to the humane and generous natures of the American people," will be found in his Works, vol. ix. pp. 57-60. The pardon of Fries (who subsequently set up a tin store in Philadelphia, and lived and died a peaceable and respectable man), was one of Mr. Adams's "derelections" of the "friends of the Government," of which General Hamilton complained in his pamphlet of 1800!

Wolcott (who voted against the pardon) wrote Hamilton, April 1, 1799: "General McPherson, it is said, will march on Wednesday. I am grieved when I think of the situation of the Government. An affair which ought to have been settled at once, will cost much time, and perhaps be so managed as to encourage other and formidable rebellions."—*Hamilton's Works*, vol. vi. p. 406.

<sup>2</sup> See Adams's Works, vol. ix. pp. 5, 7.



If she went with the Federalists of the North, the Republicans would be hopelessly crushed. If she went with the Republicans of the South, they might be beaten, but they would at least remain a formidable and nearly balancing minority; and the Union could not be torn asunder by geographical parties. Jefferson had truly said, as long as Virginia and Pennsylvania clung together, the Union was safe and the cause of Republicanism was safe.

It was not unfortunate, therefore, that the practical working of the political system of the party in power exhibited itself in broad and deep channels in the latter State, pending so important an election.

The candidates selected by the respective parties for Governor, presented the issue in as distinctive a form. The Republican nominee was Chief-Justice McKean, whose inflexible hostility and bold judicial opposition to the encroachments of the federal Government, had been most conspicuously signalized.<sup>1</sup> James Ross, the Federal candidate, on the other hand, had supported every strong measure of the Government.<sup>2</sup> On these issues the parties met, and McKean was triumphantly elected.

Mr. Jefferson's domestic history, during the summer of 1799, presents nothing of particular interest.

TO MARIA JEFFERSON EPPES, AT MONT BLANCO, NEAR PETERSBURG.

MONTICELLO, Mar. 8, '99.

MY DEAR MARIA:

I am this moment arrived here, and the post being about to depart, I sit down to inform you of it. Your sister came over with me from Belmont, where we left all well. The family will move over the day after to-morrow. They give up the house there about a week hence. We want nothing now to fill up our happi-

<sup>1</sup> Wolcott wrote Hamilton, April 1st:

"In this State [Pennsylvania] affairs bear an unpleasant aspect. The Governor is habitually intoxicated every day, and most commonly every forenoon. Dallas and Judge McKean possess the efficient powers of the Government. The former has written to several magistrates that setting up liberty posts, as they are called, is no crime if done peaceably. The judge is in pretty open collision with the mayor, who is a good man. On Saturday night, Brown, etc., were attacked in a most violent and cruel manner in their houses. The mayor ordered the men to prison, but on Saturday morning they were enlarged by Judge McKean. In short, McKean and Dallas mean to have it understood that they are determined to support all the turbulent and flagitious of the community. I am not without hopes this violent conduct will open the eyes of the people. If it does not, we soon shall have serious trouble in Pennsylvania."—*Hamilton's Works*, vol. vi. p. 406.

<sup>2</sup> We find his vote recorded on neither side on the Alien and Sedition Laws. Our impression is, that he was not a very steady attendant on his senatorial duties. But, at any rate, he neither claimed nor received the distinction of differing from his most ultra Federal associates, or dissenting from any of their measures.

ness but to have you and Mr. Eppes here. Scarcely a stroke has been done towards covering the house since I went away, so that it has remained open at the north end another winter. It seems as if I should never get it inhabitable. I have proposed to your sister a flying trip when the roads get fine to see you. She comes into it with pleasure; but whether I shall be able to leave this for a few days is a question which I have not yet seen enough of the state of things to determine. I think it very doubtful. It is to your return therefore that I look with impatience, and shall expect as soon as Mr. Eppes's affairs will permit. We are not without hopes he will take a trip up soon to see about his affairs here, of which I yet know nothing. I hope you are enjoying good health, and that it will not be long before we shall be again united in some way or other. Continue to love me, my dear, as I do you most tenderly. Present me affectionately to Mr. Eppes, and be assured of my constant and warmest love. Adieu, my ever dear Maria.

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## TO MARIA JEFFERSON EPPES.

*Monticello, April 18, '90.*

Your letter, my dear Maria, of March 18th came safely to hand, and gave us the information, always the subject of anxiety, and therefore always welcome, that yourself and Mr. Eppes were well. It would yet have been better that we could all have been well together, as the health we enjoy separately would be more enjoyed together. Whether we can visit you is still uncertain. My presence here is so constantly called for when all our works are going on. However, I have not altogether abandoned the idea; still, let it not retard your movements towards us. Let us all pray the fish to get into motion soon, that Mr. Eppes may be done with them. His affairs here are going on well. Page has made a noble clearing of about eighty thousand of the richest tobacco land, and is in good forwardness with it. I have provided the place with corn till harvest. Our spring has been remarkably backward. I presume we shall have asparagus to-morrow for the first time. The peach trees blossomed about a week ago. The cherries are just now (this day) blossoming. I suppose you have heard before that Peter Carr had a son, and Sam a daughter. Sam and his wife are daily expected from Maryland. Dr. Bache is now with us at Monticello; his furniture is arrived at Richmond. He goes back to Philadelphia to bring on Mrs. Bache. I expect he will buy James Keg's land; but what he will do for a house this summer is uncertain. Champe Carter is endeavoring to move into our neighborhood, and we expect Dupont de Nemours (my old friend) every day to settle here also. Baynham is not quite decided. Ellen gives her love to you. She always counts you as the object of affection after her mamma and "uckin Juba."<sup>1</sup> All else join in love to you and Mr. Eppes. Add mine to the family at Eppington, and continue me your most tender affections so necessary to my happiness, and be assured of mine for ever. Adieu, my ever dear Maria.

The family were reunited; and the summer wore pleasantly away. We will merely add a word in relation to farm matters. Mr. Jefferson had abandoned his exclusive tobacco culture on his Albermarle estate, and returned to his old rotation, which

<sup>1</sup> Baby-talk for "uncle Juba," the name of a favorite old African servant.

included cereal crops. The farm book shows that the season was an unpropitious one.

His correspondence was as limited as usual during the summer of 1799. From the adjournment of the last Congress until the meeting of the following one, a period of nine months, he wrote but five letters, which are preserved in his Works.

In one to T. Lomax, written soon after his return home (March 12th) he expresses his usual perfect confidence in the Republicanism of the people, and his usual cheerful hopefulness that all political clouds will soon break away.

His next hitherto published letter was addressed (August 18th) to his former colleague, Edmund Randolph. This gentleman had been writing some newspaper articles to attack a doctrine which was beginning to be broached, that the United States Supreme Court possessed a general common law jurisdiction: and he inclosed them to Jefferson. The answer contained some too important fundamental principles in the political system of the latter, separately and clearly enounced, to be passed over without record in the history of his life. He thus spoke of the claim set up for the Supreme Court:

"Of all the doctrines which have ever been broached by the federal Government, the novel one, of the common law being in force and cognizable as an existing law in their courts, is to me the most formidable. All their other assumptions of ungiven powers have been in the detail. The bank law, the treaty doctrine, the sedition act, alien act, the undertaking to change the State laws of evidence in the State courts by certain parts of the stamp act, etc., etc., have been solitary, unconsequential, timid things, in comparison with the audacious, barefaced and sweeping pretension to a system of law for the United States, without the adoption of their Legislature, and so infinitely beyond their power to adopt. If this assumption be yielded to, the State courts may be shut up, as there will then be nothing to hinder citizens of the same State suing each other in the federal courts in every case, as on a bond for instance, because the common law obliges payment of it, and the common law they say is their law."<sup>1</sup>

<sup>1</sup> The following are other important passages from the letter:

"The whole body of the nation is the sovereign legislative, judiciary and executive power for itself. The inconvenience of meeting to exercise these powers in person, and their inaptitude to exercise them, induce them to appoint special organs to declare their legislative will, to judge and to execute it. It is the will of the nation which makes the law obligatory; it is their will which creates or annihilates the organ which is to declare and announce it. They may do it by a single person, as an Emperor of Russia (constituting his declarations evidence of their will), or by a few persons, as the aristocracy of Venice, or by a complication of councils, as in our former regal Government, or our present Republican one. The law being law because it is the will of the nation, is not changed by their changing the organ through which they choose to announce their future will; no more than the acts I have done by one attorney lose their obligation by my changing or discontinuing that attorney.

\* \* \* \* \*

"Before the Revolution, the nation of Virginia had, by the organs they then thought

Mr. Jefferson wrote Wilson C. Nicholas (August 26th and September 5th) expressing the opinion that it was "essentially necessary" that something be said by the Virginia and Kentucky Legislatures, at their approaching sessions, "in order to avoid the inference of acquiescence" in the counter doctrines which their Resolutions of 1793 had called out from other States and from Congress, and suggesting the following outline of the proposed paper :

"1. Answering the reasonings of such of the States as have ventured into the field of reason, and that of the committee of Congress, taking some notice, too, of those States who have either not answered at all, or answered without reasoning. 2. Making firm protestation against the precedent and principle, and reserving the right to make this palpable violation of the federal compact the ground of doing in future whatever we might now rightfully do, should repetitions of these and other violations of the compact render it expedient. 3. Expressing in affectionate and conciliatory language our warm attachment to union with our sister States, and to the instrument and principles by which we are united; that we are willing to sacrifice to this everything but the rights of self-government in those important points which we have never yielded, and in which alone we see liberty, safety, and happiness; that not at all disposed to make every measure of error or of wrong a cause of scission, we are willing to look on with indulgence, and to wait with patience till those passions and delusions shall have passed over, which the federal Government have artfully excited to cover its own abuses and conceal its designs, fully confident that the good sense of the American people, and their attachment to those very

proper to constitute, established a system of laws, which they divided into three denominations of, 1. common law; 2. statute law; 3. chancery: or if you please, into two only of, 1. common law; 2. chancery. When by the Declaration of Independence, they chose to abolish their former organs of declaring their will, the acts of will already formally and constitutionally declared, remained untouched. For the nation was not dissolved, was not annihilated; its will, therefore, remained in full vigor: and on the establishing the new organs, first of a convention, and afterwards a more complicated legislature, the old acts of national will continued in force, until the nation should, by its new organs, declare its will changed. The common law, therefore, which was not in force when we landed here, nor till we had formed ourselves into a nation, and had manifested by the organs we constituted that the common law was to be our law, continued to be our law, because the nation continued in being, and because though it changed the organs for the future declarations of its will, yet it did not change its former declarations that the common law was its law. Apply these principles to the present case. Before the Revolution, there existed no such nation as the United States: they then first associated as a nation, but for special purposes only. They had all their laws to make, as Virginia had on her first establishment as a nation. But they did not, as Virginia had done, proceed to adopt a whole system of laws ready made to their hand. As their association as a nation was only for special purposes, to wit, for the management of their concerns with one another and with foreign nations, and the States composing the association chose to give it powers for those purposes and no others, they could not adopt any general system, because it would have embraced objects on which this association had no right to form or declare a will. It was not the organ for declaring a national will in these cases. In the cases confided to them, they were free to declare the will of the nation, the law, but till it was declared, there could be no law. So that the common law did not become, *ipso facto*, law on the new association; it could only become so by a positive adoption, and so far only as they were authorized to adopt.

"But, great heavens! Who could have conceived, in 1789, that within ten years we should have to combat such windmills."

rights which we are now vindicating, will, before it shall be too late, rally with us round the true principles of our federal compact."

"This," he said, "was only meant to give a general idea of the complexion and topics of such an instrument." To them "should be added animadversions on the new pretensions to a common law of the United States."

He had contemplated a meeting with Madison and Nicholas at Monticello, to confer on this subject, but it failed. Madison came, and the above outline was presented to him. He did not concur in the reservation expressed under the second head. This took place before Jefferson wrote Nicholas, and after mentioning these facts to the latter, Jefferson continued: "from this [the reservation] I recede readily, not only in deference to his judgment, but because, as we should never think of separation but for repeated and enormous violations, so these, when they occur, will be cause enough of themselves."

Kentucky and Virginia, at the ensuing sessions of their legislatures, renewed their protests against the constitutionality of the Alien and Sedition Laws. That of Kentucky was drawn up by the able John Breckenridge, who succeeded to the Republican leadership in that State on the death of George Nicholas, and who was to be one of the most efficient and trusted future supporters of Mr. Jefferson, and a member of his Cabinet.

Madison's long and powerfully written report in the Legislature of Virginia, "answered the reasoning of such of the States as had ventured into the field of reason," and it declared the resolutions of the preceding year "founded in truth, consonant with the Constitution and conducive to its preservation." This was adopted, and, as if more decisively to mark the attitude of the State in regard to parties and in regard to the foreign policy of the country, the Legislature elected the "disgraced minister," as Mr. Adams termed Colonel Monroe, governor of the State.

Jefferson wrote Madison (November 22d) that he had just given up a visit to him, being dissuaded by Monroe, on account of "the *espionage* of the little \* \* \* in \* \* \* who would make it a subject of some political slander."<sup>1</sup> He informed Madison also, that he must expect nothing from him of a con-

<sup>1</sup> Probably the individual who occupied himself so industriously in looking up "John Langhorne."

fidential character by mail during the next session of Congress, he being satisfied that "for the ensuing twelve months" the post-offices "would lend their inquisitorial aid to furnish matter for newspapers."

He recommended to his correspondent to procure the restoration of juries in the court of Chancery, not long since abolished by the Virginia Legislature. He said very pertinently, if the reason assigned—that they were "troublesome and expensive"—was a good one, they should also be abolished in other courts.

He left Monticello for the seat of Government on the 21st day of December.

The President's third annual speech was calm, sensible and dignified in its tone. It alluded to the prosperity of our commerce "notwithstanding interruptions occasioned by the belligerent state of a great part of the world;" to the Pennsylvania insurrection; and recommended a revision of the federal judiciary system, to render it more effective. It stated briefly that in consequence of the assurances required of the French Government having been received, the Envoys appointed to that country had been sent, and while it hinted that the action of the Envoys would require the consent of the Senate, it declared that their characters were "sure pledges to their country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, would be stipulated." It alluded to the opening intercourse with St. Domingo; to the rupture in the British and American Commission (under the treaty of London) for settling claims; and expressed a determination to seek a reopening of the latter, and to carry out with punctuality and good faith the engagements of the United States. In conclusion, it stated that the spirit of war was prevalent throughout the world; that the "result of the mission to France was uncertain;" and that however it might terminate, "a steady perseverance in a system of national defence commensurate with our resources and the situation of our country was an obvious dictate of wisdom."

This speech was not, of course, to the taste of the parties to the Miranda scheme. Wolcott wrote Ames that the Federalists were divided in their feelings—that there were waverers from the South—that Marshall, who would be likely to control

these, "would think much of the State of Virginia." He was "too much disposed to govern the world according to rules of logic"—"to read and expound the Constitution as though it were a penal statute." Some believed the President "had acted wisely, others considered it impolitic and unjust to withdraw their support." "The Northern members could do nothing of themselves, and circumstances imposed upon them the necessity of reserve." The President's mind was in a state which rendered it difficult for those about him to know what to do. He considered Pickering, McHenry and the writer (Wolcott) "his enemies;" his resentment against Hamilton was excessive; he "declared his belief in the existence of a British faction in the United States," etc.

The fear of a coalition between the moderate men of both parties seems to have revived at this period. Wolcott, with admirable coolness, considering his own and his colleagues' daily practices towards the President, proceeds :

"This state of things has greatly impaired the confidence which subsisted among men of a certain class in society. No one knows how soon his own character may be assailed. Spies and informers carry tales to the President with the hope of producing changes in the Administration. Mr. Otis . . . is suspected of aspiring to the office of Secretary of State. Cunning half Jacobins assure the President that he can combine the virtuous and moderate men of both parties, and that all our difficulties are owing to an oligarchy which it is in his power to crush, and thus acquire the general support of the nation."

After saying that it was "necessary and proper" that the answer to the President's speech should be prepared by Marshall, he continues :

"He [Marshall] had a hard task to perform. . . . The object was to meet all opinions, at least of the Federalists. It was, of course, necessary to appear to approve the mission, and yet to express the approbation in such terms as, when critically analyzed, should amount to no approbation at all. No one individual was really satisfied, but all were unwilling to encounter the danger and heat which a debate would produce, and the address passed with silent dissent.

\* \* \* \* \*

"The steady men in Congress will attempt to extend the judicial department,

<sup>1</sup> Wolcott's estimate, given in this letter of another Virginian, General Henry Lee, and his suspicions of him, are curious :

"General Lee is a man of talents, address, and ambition; he is not entirely pleased with having been appointed a Provisional General; but he can and will dissemble his resentments, when the expression of them will not promote his interests; he will play a part, and will have, or I am mistaken, some projects, in which he will be joined by some of the anti-Federalists."

and I hope that their measures will be very decided. It is impossible in this country to render an army an engine of government; and there is no way to combat the State opposition, but by an efficient and extended organization of judges, magistrates, and other civil officers." <sup>1</sup>

Mr. Ames's reply is especially noticeable. He believed in the old-fashioned "engine of government" for putting down "opposition." He wrote:

"This dismal state of things seems to discourage the hope of doing much with effect, or of preparing anything without incurring the risk of its being seized and converted into a weapon for annoyance by the foe. But though this is a serious danger of the army; though, you justly remark, it is no engine of the Government, the civil magistrate and the process are better ordinary means of self-defence, yet I hesitate to admit that, therefore, the army must not be levied and relied on. It is certainly a subject of great nicety, requiring the soundest judgment, to decide on the means of self-preservation in the crisis which is near, as my belief is, that the appeal will be made to arms. I would have in preparation the force to decide the issue in favor of Government."

Another passage in the same letter goes to show that Mr. Ames considered Jefferson a "fool in earnest" in his democracy:

"The false notions of liberty are pretty general among those who read, and are thought to understand, so that over and above the error into which the multitude is prone to fall from passion and prejudice, is that which is imposed upon them by authority. The guides they take are not fools, but fanatics. Political fanaticism has its run in Virginia. I give them credit for being fools in earnest, as to Democracy. . . . Jefferson, in 1789, wrote some such stuff about the will of majorities, as a New Englander would lose his rank among men of sense to avow." <sup>2</sup>

Wolcott's correspondence with Mr. King appears to show on what familiar terms of understanding the former was with the British Premier at this period. King wrote Wolcott December 31st: "I took an early occasion, after the receipt of your letter of the 4th of October, to mention its contents to Mr. Pitt, who appears to think that your views in the main agreed with his, and desired me to give him the earliest information of the result of such propositions as you should make to Congress." <sup>3</sup> The last clause of the sentence forbids the idea that the Miranda scheme was the subject of Wolcott's prior communication. The

<sup>1</sup> For letter entire, see Gibbs's Memoirs, etc., vol. ii. p. 313.

<sup>2</sup> For this letter (January 12, 1800) entire, see Gibbs's Memoirs, etc., vol. ii. p. 318.

<sup>3</sup> For letter entire, see Gibbs's Memoirs, etc., vol. ii. p. 324.



context of the letter we have quoted pertains to financial questions, commercial duties, etc. It would be difficult to assign any reason for this consultation with Mr. Pitt, in regard to matters thereafter to be submitted by the Secretary of the Treasury to Congress, unless for the purpose of giving him information in advance, or of obtaining his views and wishes in respect to them in advance. In any possible light, it would, without further explanation (and Mr. Wolcott's biographer renders none), appear to be a very extraordinary procedure on the part of a Cabinet officer, and especially so if acting without explicit instructions from his principal. We venture to assume that no such instructions will be found hinted at among the papers of Mr. Adams. His follies and errors did not lie in the direction of fawning secretly on foreign cabinets. The Miranda scheme had opened and established a channel of mutual understanding between the British Cabinet and a portion of ours, which would probably present a curious page of secret history could all the facts be laid open.

Hamilton had written General Washington, Oct. 21, 1799, after the President's determination to send off the Envoys to France:

"All my calculations lead me to regret the measure. I hope that it may not in its consequences involve the United States in a war on the side of France with her enemies. My trust in Providence, which has often interposed in our favor, is my only consolation."

He wrote to King, January 5th, 1800:

"If the projected cipher was established, I should now have very much to say to you. But for this the arrangement is not yet mature. Soon, however, I hope to make it so, by forwarding to you the counterpart, which is in preparation. I must, however, give you some sketch of our affairs.

"At home, everything is in the main well; except as to the perverseness and capriciousness of one<sup>1</sup> and the spirit of faction of many.

"Our measures from the first cause are too much the effect of momentary impulse. Vanity and jealousy exclude all counsel. Passion wrests the helm from reason.

"The irreparable loss of an inestimable man removes a control which was felt, and was very salutary."

"The leading friends of the Government are in a sad dilemma. Shall they risk a serious schism by an attempt to change? Or shall they annihilate themselves and

<sup>1</sup> The President.

<sup>2</sup> General Washington. This remark deserves particular notice in the light of statements we have hitherto made.

hazard their cause by continuing to uphold those who suspect and hate them, and who are likely to pursue a course for no better reason than because it is contrary to that which they approve.

"The spirit of faction is abated nowhere. In Virginia it is more violent than ever. It seems demonstrated that the leaders there, who possess completely all the powers of the local government, are resolved to possess those of the national, by the most dangerous combinations; and, if they cannot effect this, to resort to the employment of physical force. The want of disposition in the people to second them, will be the only preventive. It is believed that it will be an effectual one.

"In the two houses of Congress we have a decided majority. But the dread of unpopularity is likely to paralyze it, and to prevent the erection of additional buttresses to the Constitution, a fabric which can scarcely be stationary, and which will retrograde if it cannot be made to advance."

"In our councils there is no fixed plan. Some are for preserving and invigorating the navy and destroying the army. Some among the friends of Government for diminishing both on pecuniary considerations.

"My plan is to complete the navy to the contemplated extent; say six ships of the line, twelve frigates, and twenty-four sloops-of-war; to make no alteration for the present as to the military force; and, finally, to preserve the organs of the existing force, reducing them to a very moderate number. For this plan there are various reasons that appear to me solid. I must doubt, however, that it will finally prevail."

Then follows the complaint of "the recent depredations of British cruisers," which produced a "perplexing conflict of sensations," etc., already quoted.

The intelligent observer, comparing all these expressions of the leaders of a party, who had just ostensibly won a great peaceful victory over their opponents at the ballot-box, and were thus continued in the possession of every branch of the Government—the avowed necessity at such a moment of a new "engine of government"—the rival theories of Wolcott and Ames, whether that engine should be a very decided extension of the judicial establishment or a standing army—Ames's nearly naked proposition to appeal to force—Wolcott's friendly private intercommunications with Mr. Pitt—Hamilton's hints to force, while conceding that his opponents are likely to be effectually prevented from resorting to it by "the want of disposition in the people"—his objections to any present reduction of the regular army—his ominous declaration that the Constitution must retrograde or advance—we say, the observer who compares and weighs these facts, will be enabled to judge of the spirit and

• Italization ours.    \* For the letter entire, see Hamilton's Works, vol. vi. p. 415.

designs which the Federalists were prepared to carry into the legislation of the sixth Congress.

The Hamiltonians had already determined to set aside Mr. Adams for the Presidential succession. To make sure, as they believed, of crushing both him and Mr. Jefferson, they resolved again to bring forward General Washington as a candidate. After a conference among the leaders at New York, Gouverneur Morris wrote a letter announcing their feelings and those of "leading characters" in New England to General Washington, and strongly urged his acquiescence.<sup>1</sup> Whether this was wise or kind in these pretended exclusive friends of the retired statesman, we are not called upon to say; but Morris's appeal was addressed to the "dull cold ear of death."

The great captain had fought his last battle; the pure statesman had done his last deed for his country. When Morris's letter reached Mount Vernon, Washington was no more.<sup>2</sup>

He died on the 14th of December, after an illness of twenty-four hours, of an inflammatory affection of the windpipe, contracted by reason of exposure to a light rain while superintending some improvements upon his estate the preceding day.

The event was communicated to Congress by an Executive message, and the most solemn demonstrations of respect were unanimously agreed upon by that body. The voice of a nation's wail rolled unbroken throughout the entire land; and there was not probably a citizen's mansion, a pioneer's cabin, or a slave's hut between the St. Lawrence and the Altamaha which did not witness some manifestation of genuine sorrow. For long years the simple rural population hushed their children to sleep, and when they met together at rustic gatherings, duteously joined their voices singing rude laments, the burden of which was that the "friend, protector, strength and trust" of his country

"Laid low mouldering in the dust."<sup>3</sup>

<sup>1</sup> Sparks's *Life and Correspondence of Gouverneur Morris*, vol. iii. p. 123.

<sup>2</sup> The letter was dated December 9th, 1799. It could have only, says Mr. Sparks, reached Mount Vernon the day before the General's death; but it was the custom of the latter to send but twice a week to Alexandria for his letters. The endorsement of name and date on the back of the letter, as found among General Washington's papers, was not in his handwriting. Sparks's *Life and Correspondence of Morris*, vol. iii. p. 125—note.

<sup>3</sup> Before us lies a little pamphlet, written by a worthy man we know well—entitled, "Historic Sketch of the Town of Virgil [N. Y.], by Nathan Bouton." Mr. Bouton has given as faithful if not as artistic a picture of the rude wilderness life of the early settlers, as the Poet Crabbe could have done. There is more than a Flemish fidelity and detail in bringing together the rough, jagged, wild accessories! We cannot stop to rehearse

When the news reached Europe, it was received with becoming demonstrations by the Government of France. The Consul Bonaparte made it the subject of an appropriate order of the day to the French armies; and an oration, in memory of Washington, was pronounced before the principal dignitaries of the nation, accompanied with solemn ceremonies. It was said that the English channel fleet, in Torbay, lowered its flags to half-mast, on receiving the intelligence. Beyond this, the Government and nation, which had latterly expressed so much admiration of Washington, "had not even the appearance of knowing he was dead."

Cabot wrote Wolcott, January 16th, 1800: "Mr. Ames passed last evening with me. He is to pronounce the eulogy of Washington before our State Legislature, three weeks hence. I hope he will weave into it as much as possible of his own politics. They are such as Washington approved, and I hardly know what greater praise can be given him, than a display of this fact."

This hint was followed up by the political orators and eulogizers of the same party generally; though we think before popular assemblies few spoke of the supposed resemblance between Washington's and Ames's "politics," in a manner which led to the inference that they considered the coincidence more creditable to the former than the latter!

them, but one incident especially struck our attention. When the solitary cow, the yoke of oxen and the few sheep were folded at night, close to the log-house in the little forest clearing, when the "young children, of which the number was considerable in proportion to the population," were put to bed, the little ones "soothed to rest in sap-troughs and hollow logs for cradles"—when the dismal howl of the marauding wolf broke round the dwelling, and the rifle and axe hung within the hand's grasp for instant action, the lullaby of the infant foresters was a lament for Washington! When little parties of the people met together "who could sing," they sung the Lament for Washington! Our author gives a stanza of the rude, but plaintive wail:

"Where shall our country turn its eye?  
What help remains beneath the sky?  
Our friend, protector, strength and trust,  
Lies low mouldering in the dust."

This brave generation has passed away. The log-cabins have disappeared on the hills, which are nearly as familiar to our eyes as to Mr. Bouton's.

Such were the men who, according to the theory of one of the parties of that day, were ready to imitate the excesses of the rabble of Paris, or, at the blast of a French horn, become traitors to their country!

<sup>1</sup> So said Gouverneur Morris in a letter to the Duke of Orleans, June 3, 1800; and he characteristically added: "The fact is that, in that country, they have always the good sense to wish to catch flies with vinegar ('on a toujours le bon esprit de vouloir prendre les mouches avec du vinaigre')." — *Morris's Works*, vol. iii. p. 127.

Messrs. Jay's and King's accounts of General Washington's popularity in England had been fervid. The last had written home that next to George III. he was the most popular person in England!

<sup>2</sup> For the letter, see Gibbs's *Memoirs*, etc., vol. ii. p. 321.

The hint was diligently followed up in the newspapers—in the pulpit—in biographies—in history. Washington's name has been used from that day to this as an ægis over the memory of a condemned and overthrown party—as a weapon of offence against the principles and character of the early Republican party—as an instrument to attack personal reputation because our masculine forefathers, had (like their degenerate descendants) human feelings, human differences, and in turn felt angry and felt pleased, in turn found fault and praised, very much as purely unmythical, every-day humanity does in the nineteenth century.

Without following Washington's political history into detail, we have endeavored to give a fair *coup d'œil* of that history from his accession to the Presidency to the close of his life. We have given some specimens of Mr. Ames's views at different periods. It would be an insult to the feeblest understanding to attempt to impose on it the idea that there was any general or substantial sameness in the political theories of the two men. It would also be an insult to the memory of one or the other of the deceased statesmen themselves, because their own repeated recorded assertions, if sincere, place them in an attitude of cardinal antagonism.

The difference in the views, principles, and designs of Hamilton and Washington were full as broadly marked. We have in repeated specific instances pointed out those differences. These are met by the assertion that Washington apparently had unbounded confidence in Hamilton, that he among the later acts of his life placed him next to himself in the army, and finally, that he acted with the Federalists whom Hamilton headed as a party for two or three years preceding his death.

We have nowhere attempted to show that the first President ever embraced the democratic theories of Jefferson. We have aimed fairly to trace the causes which forced him reluctantly from middle ground into a personal connection with the Federalists. We have not sought to conceal the fact that he partook in the alarms of that party in regard to the consequences of a purely popular rule in our Government, and in regard to the motives of the democratic leaders.

But we have contended that he was intentionally and systematically deceived by those who surrounded him. The in-

stances cited rest on the testimony of records whose authenticity is undenied. All will judge whether the facts support the allegations. One instance we have not yet cited.

In the year 1798 the cry of a coming invasion was sounded throughout our land. Armies and navies were called for to meet it. Iron laws were passed, under the prevailing excitement, to banish, imprison and confiscate, for merely (as the practical result proved) daring boldly to attack the measures of the ruling party. Taxes were inflicted which led to "insurrection." Washington was called from his retreat to command in the expected death struggle against the gigantic and world threatening power of France.

Time has rent chasms in the concealing drapery. We peer through and find the principal actors, who on the public stage play the parts of indignant patriots vehemently rousing their countrymen to arms, privately informing each other, there will be no war, privately lamenting and deprecating the prospect of pacification, privately hinting that pacification must be guarded against as fatal to their plans.

The motives for this conduct also stand revealed. We are presented with a band of schemers in secret correspondence with the British Cabinet. A grand project of foreign invasion and revolution is maturing between these British and American confederates. American parties propose terms and ask command, and British parties assent. The British Government makes the actual preparations on its side. The American confederates have not perfected their arrangements, but things are "ripening fast." For them to ripen completely, it was necessary to raise an army on a fictitious pretence, and to force on a war with France, to obtain an excuse to attack a power with which we were on terms of entire peace. The nation would not for a moment endure so flagrant a departure from good faith, so flagrant a departure from the cardinal doctrine of neutrality between other nations, without some covering excuse completely to blind it to the facts.

The next scene in the drama draws on. We have the stipulated Commander-in-Chief of the Miranda project, breaking his designs to the chairmen of the military committees in Congress—calling for great armies—and under the thinnest pretences avowing their object in part to be an attack on the Spanish pos-

sessions. And he calls, at the same time, for preparations for a radical change in our own institutions.

This is not the last act, but it is the one which brings us down to the death of Washington; and is all, therefore, which bears on the questions which we are about to ask.

Is it probable that Washington was informed by any of the Miranda projectors of their scheme? Is it probable that any of them told him that he had been called to command armies raised on hypocritical pretences, and designed, ultimately, for the violation of that great maxim of his administration—neutrality? Is it probable that this pure chief entered into intrigues with foreign governments without the knowledge of his own, for the purpose of building up new dynasties, “agreeable to both the coöperators,” on the ruins of a friendly power? Is it probable that Washington would have so far violated all the maxims, and the repeated decisions of his administration, as to have favored a defensive alliance with England for the objects last named, or for any other object? Probably there is not a man in the United States who would answer one of these questions in the affirmative.

Was not his whole official action, then, in 1798 and 1799, founded on partial information, where the more important and controlling facts were “intentionally and systematically” kept from his knowledge?

Washington's coercion with partisan federalism was incidental, and did not make him a Federalist. His true position in principle we have already attempted to exhibit. It was a middle one between parties. He was a conservative republican—representing that class of our population in both parties which most nearly approached each other, and which was, respectively, farthest removed from absolute monarchism and absolute democracy.

In politics as in war, in peace, in all things, Washington belongs to no faction or party. He belongs to his whole country. His principles were national; his heart was national; his fame is purely national.

Jefferson's political correspondence, during the session of 1799–1800, that is to say, his hitherto customary allusion to particular political events, is unusually meagre. His position as a formal candidate for the Presidency imposed some reserve on a person so particularly modest where his own direct inte-

rests were in question; and his repeated declarations, and exhibitions of care, in sending important letters by private conveyance, show that he, as well as, doubtless, his leading friends, was under the strong impression that letters were subject to the tamperings of post-office agents.

Jefferson wrote Governor Monroe by a private hand, January 12th, that "all agreed an election" of Presidential electors "by districts would be best, if it could be general; but while ten States chose either by their legislatures or by a general ticket, it would be folly, and worse than folly, for the other six not to do it." He said:

"In these ten States the minority is certainly unrepresented; and their majorities not only have the weight of their whole State in their scale, but have the benefit of so much of our minorities as can succeed at a district election. This is, in fact, ensuring to our minorities the appointment of the Government. To state it in another form; It is merely a question whether we will divide the United States into sixteen or one hundred and thirty-seven districts. The latter being more chequered, and representing the people in smaller sections, would be more likely to be an exact representation of their diversified sentiments. But a representation of a part by great, and part by small sections, would give a result very different from what would be the sentiment of the whole people of the United States, were they assembled together."

He mentions that there is a very strong probability of the Republicans carrying the Legislatures of New York and New Jersey, and that, consequently, they are in favor of choosing electors by the Legislature; that the Legislature of Pennsylvania will necessarily do the same, as the present one will adjourn without agreeing to any election law, and another one cannot pass such a law (providing for an election by the people) in time to be acted upon. He added:

"Perhaps it will be thought I ought in delicacy to be silent on this subject. But you, who know me, know that my private gratifications would be most indulged by that issue which should leave me most at home. If anything supersedes this propensity, it is merely the desire to see this Government brought back to its republican principles."

So, it appears, this time, it was not his choice to see his opponent elected!

On the 18th of the same month, he wrote Dr. Priestley, thanking him for some pamphlets. He considered "the papers of political arithmetic," both in Priestley's and Cooper's pamphlets.



"the most precious gifts that could be made to us; for we were running navigation mad, and commerce mad, and navy mad, which was worst of all." He expressed his chagrin and mortification "at the persecutions which fanaticism and monarchy had excited against" his correspondent. In allusion to the prosecution of Cooper for a libel on the Government, he said:

"How sincerely have I regretted that your friend, before he fixed his choice of a position, did not visit the valleys on each side of the ridge in Virginia, as Mr. Madison and myself so much wished. You would have found there equal soil, the finest climate and most healthy one on the earth, the homage of universal reverence and love, and the power of the country spread over you as a shield."<sup>1</sup>

<sup>1</sup> He informed Priestley that there was a design of establishing a central State University in Virginia, "on a plan so broad and liberal and modern, as to be worth patronizing with the public support, and be a temptation to the youth of other States to come and drink the cup of knowledge and fraternize with us." "In an institution meant chiefly for use, some branches of science, formerly esteemed, might now," he thought, "be omitted: so might others now valued in Europe, but useless to us for ages to come." As an example of the former he names Oriental learning; of the latter, "almost the whole of the institution proposed to Congress by the Secretary of War's report of the 5th instant" [U. S. Military Academy]. He believed there was "no one in the world" so competent as his correspondent to draw up a plan of such an institution adapted to the wants of our country, and he urgently solicited him to undertake it.

In conclusion, his usual sanguine expectations show themselves in an allusion to the Presidential election:

"Will not the arrival of Dupont tempt you to make a visit to this quarter? I have no doubt the alarmists are already whetting their shafts for him also, but their glass is nearly run out, and the day I believe is approaching when we shall be as free to pursue what is true wisdom as the effects of their follies will permit; for some of them we shall be forced to wade through, because we are emerged [merged?] in them."

This entire letter (published in Jefferson's Works, Cong. ed., vol. iv. p. 311), and another one immediately to be noticed, will be read with interest by those who are interested in the question of what should comprise a "modern" curriculum of education. Mr. Jefferson enumerates among the proper sciences, botany, chemistry, zoology, anatomy, surgery, medicine, natural philosophy, agriculture, mathematics, astronomy, geography, politics, commerce, history, ethics, law, arts, fine arts. He says this list is imperfect, because he makes it hastily, while "holding his pen."

On the 27th, he wrote Dr. Priestley again, to say that in his previous letter he had omitted to mention the languages as part of the course of study in the proposed University, and that he considered them decidedly important. It would be unpardonable to omit this passage:

"It [the omission] was not that I think, as some do, that they are useless. I am of a very different opinion. I do not think them very essential to the obtaining eminent degrees of science; but I think them very useful towards it. I suppose there is a portion of life during which our faculties are ripe enough for this, and for nothing more useful. I think the Greeks and Romans have left us the [best?] present models which exist of fine composition, whether we examine them as works of reason, or of style and fancy; and to them we probably owe these characteristics of modern composition. I know of no composition of any other ancient people, which merits the least regard as a model for its matter or style. To all this I add, that to read the Latin and Greek authors in their original, is a sublime luxury; and I deem luxury in science to be at least as justifiable as in architecture, painting, gardening, or the other arts. I enjoy Homer in his own language infinitely beyond Pope's translation of him, and both beyond the dull narrative of the same events by Dares Phrygius; and it is an innocent enjoyment. I thank on my knees, him who directed my early education, for having put into my possession this rich source of delight: and I would not exchange it for anything which I could then have acquired, and have not since acquired. With this regard for those languages, you will acquit me of meaning to omit them."

The grateful allusion to his father for directing him to be so carefully educated in the classics, has been given by one of his family in very similar language, in an earlier part of this work, as a customary saying of Mr. Jefferson.

He mentioned that he had received a letter from "Dupont" (de Nemours) dated the

In a letter to Mr. Innes, of January 23d, he indulged in some speculations on the news just received from Europe, of another revolution in the government of France. He thought "if Bonaparte declared for royalty, either in his own person or of Louis XVIII., he had but a few days to live." "In a nation of so much enthusiasm there must be," he said, "a million of Brutuses, who would devote themselves to death to destroy him." "Without much faith in Bonaparte's heart, he had so much in his head as to indulge another train of reflection." "In every case it was to be feared and deplored that that nation had yet to wade through half a century of disorder and convulsions."

He wrote N. R.—, ' February 2d, the following criticism on the talents thus far disclosed by Bonaparte, as a legislator :

"Should it be really true that Bonaparte has usurped the government with an intention of making it a free one, whatever his talents may be for war, we have no proofs that he is skilled in forming governments friendly to the people. Wherever he has meddled, we have seen nothing but fragments of the old Roman governments stuck into materials with which they can form no cohesion: we see the bigotry of an Italian to the ancient splendor of his country, but nothing which bespeaks a luminous view of the organization of rational government. Perhaps, however, this may end better than we augur; and it certainly will if his head is equal to true and solid calculations of glory."

The letter contains the following remarkable passage :

"We have great need for the ensuing twelve months to be left to ourselves. The enemies of our Constitution are preparing a fearful operation, and the dissensions in this State are too likely to bring things to the situation they wish, when our Bonaparte, surrounded by his comrades in arms, may step in to give us political salvation in his way. It behoves our citizens to be on their guard, to be firm in their principles, and full of confidence in themselves. We are able to preserve our self-government if we will but think so."

20th, and that he would be in Philadelphia about a fortnight from that time. He invited Priestley to make him a visit at the same period, expressing the satisfaction the meeting would give him, were it but to show "two such eminent foreigners embracing each other in his country, as the asylum for whatever is great and good"—for "the temporary delirium which has been excited," "was fast passing away." He added, in a vein which we shall find more strongly developed hereafter :

"The Gothic idea that we are to look backwards instead of forwards for the improvement of the human mind, and to recur to the annals of our ancestors for what is most perfect in government, in religion, and in learning, is worthy of those bigots in religion and government by whom it has been recommended, and whose purposes it would answer. But it is not an idea which this country will endure; and the moment of their showing it is fast ripening; and the signs of it will be their respect for you, and growing detestation of those who have dishonored our country by endeavors to disturb your tranquillity in it."

These initials occur here, and again where it would seem that the letters must have been addressed to his son-in-law, Colonel T. M. Randolph.

\* Misprinted "our" in Cong. edition.

There cannot be any doubt but that by "our Bonaparte" he referred to the then senior commander of the United States army, General Hamilton.

On the 26th of February, Jefferson wrote an affectionate letter to Samuel Adams, in answer to one of the same tenor received from his venerable Revolutionary friend after twenty-three years of separation. The following remark shows how forcibly and ominously Bonaparte's proceedings in France had impressed his mind :

"I fear our friends on the other side of the water, laboring in the same cause, have yet a great deal of crime and misery to wade through. My confidence has been placed in the head, not in the heart of Bonaparte. I hoped he would calculate truly the difference between the fame of a Washington and a Cromwell. Whatever his views may be, he has at least transferred the destinies of the republic from the civil to the military arm. Some will use this as a lesson against the practicability of republican government. I read it as a lesson against the danger of standing armies."

Expecting a speedy opportunity of forwarding a letter to Mr. Madison, by the hand of a friend, he commenced one to him on the fourth of March, in which we get some of the old inside glimpses of Congress. He writes that Bingham's amendment (in the Senate) to the election law had been lost by the "usual majority of two to one; that a different one would be proposed, "containing the true sense of the minority, viz., that the two Houses, voting by heads, shall decide such questions as the Constitution authorizes to be raised," and that this might, probably, be taken up under better auspices in the lower House, "for though the Federalists have a great majority there, yet they are of a more moderate temper than for some time past;" but that the Senate "seemed determined to yield to nothing which would give the other House greater weight in the decisions on elections than they have." He writes that by putting off the building of the seventy-fours and stopping enlistments, the loan will be reduced to three and a half millions—but he thinks even that cannot be obtained. He says that "Robbins's affair" has been under agitation some days; that "Livingston made an able speech of two and a half hours yesterday;" that the advocates of the measure "felt its pressure heavily;" that, "though they might be able to repel Livingston's motion of censure, he did not believe they could carry Bayard's of approbation;" that "the

landing of our Envoys at Lisbon, would risk a very dangerous consequence, inasmuch as the news of Truxton's aggression would, perhaps, arrive at Paris before our Commissioners would;" that, "had they gone directly there, they might have been two months ahead of that news."

He continued the same letter March 8th, mentioning that Livingston's motion respecting Robbins had been voted down that day, thirty-five yeas to sixty nays; that Livingston, "Nicholas and Gallatin distinguished themselves on one side, and J. Marshall greatly on the other," but still, it was believed, they would not push Bayard's motion of approbation; that the Senate had decided the same day "on the motion for overhauling the editor of the *Aurora*" by the usual vote of about two to one—one or two senators going with them who floated about, and who were "perfectly at market." The letter closes with the following specimen of Mr. Jefferson's sagacity in party calculations and party arithmetic:

"As the conveyance is confidential, I can say something on a subject which, to those who do not know my real dispositions respecting it, might seem indelicate. The Federalists begin to be very seriously alarmed about their election next fall. Their speeches in private, as well as their public and private demeanor to me, indicate it strongly. This seems to be the prospect. Keep out Pennsylvania, Jersey, and New York, and the rest of the States are about equally divided; and in this estimate it is supposed that North Carolina and Maryland added together are equally divided. Then the event depends on the three middle States before mentioned. As to them, Pennsylvania passes no law for an election at the present session. They confide that the next election gives a decided majority in the two houses, when joined together. M'Kean, therefore, intends to call the Legislature to meet immediately after the new election, to appoint electors themselves. Still you may be sensible there may arise a difficulty between the two houses about voting by heads or by houses. The Republican members here from Jersey are entirely confident that their two houses joined together, have a majority of Republicans; their Council being Republican by six or eight votes, and the lower House Federal by only one or two; and they have no doubt the approaching election will be in favor of the Republicans. They appoint electors by the two houses voting together. In New York all depends on the success of the city election, which is of twelve members, and of course makes a difference of twenty-four, which is sufficient to make the two houses, joined together, Republican in their vote. Governor Clinton, General Gates, and some other old revolutionary characters have been put on the Republican ticket. Burr, Livingston, etc., entertain no doubt on the event of that election. Still these are the ideas of the Republicans only in these three States, and we must make great allowance for their sanguine views. Upon the whole, I consider it as rather more doubtful than the last election, in which I was not deceived in more than a vote or two. If Pennsylvania votes, then either Jersey or New York giving a Republican vote, decides the election. If Pennsylvania does not vote, then New York determines

the election. In any event, we may say that if the city election of New York is in favor of the Republican ticket, the issue will be Republican; if the Federal ticket for the city of New York prevails, the probabilities will be in favor of a Federal issue, because it would then require a Republican vote both from Jersey and Pennsylvania to preponderate against New York, on which we could not count with any confidence. The election of New York being in April, it becomes an early and interesting object. It is probable the landing of our Envoys in Lisbon will add a month to our session; because all that the eastern men are anxious about, is to get away before the possibility of a treaty's coming in upon us."

Before adding the explanations requisite to make some parts of the preceding letter intelligible, we will connect with it a few more, and all the other important expressions made by him during the session.

He wrote to P. N. Nicholas,<sup>1</sup> April 7th:

"It is too early to think of a declaratory act as yet, but the time is approaching and not distant. Two elections more will give us a solid majority in the House of Representatives, and a sufficient one in the Senate. As soon as it can be depended on, we must have "a Declaration of the principles of the Constitution," in nature of a Declaration of Rights, in all the points in which it has been violated. The people in the middle States are almost rallied to Virginia already; and the eastern States are commencing the vibration which has been checked by XYZ. North Carolina is at present in the most dangerous state."<sup>2</sup>

He wrote Edward Livingston, April 30th, expressing the same absolute confidence that one or two more elections would strip the Federalists of the great body of the people—"the people through all the States" being "for republican forms, republican principles, simplicity, economy, religious and civil freedom." He added:

"I have nothing to offer you but Congressional news. The Judiciary Bill is postponed to the next session; so the Militia; so the Military Academy. The bill for the election of the President and Vice-President has undergone much revolution. Marshall made a dexterous manœuvre; he declares against the constitutionality of the Senate's bill, and proposed that the right of decision of their grand committee should be controllable by the concurrent votes of the two houses of Congress; but to stand good if not rejected by a concurrent vote. You will readily estimate the amount of this sort of control. The Committee of the House of Representatives, however, took from the Committee the right of giving any opinion, requiring them to report facts only, and that the votes returned by the States should be counted,

<sup>1</sup> Philip Norborne Nicholas, a most promising member of the Richmond bar.

<sup>2</sup> The reason assigned for this, is that "the lawyers [are] all Tories, the people substantially republican, but uninformed and deceived by the lawyers, who are elected of necessity, because [there are] few other candidates."

unless reported by a concurrent vote of both Houses. In what form it will pass them or us, cannot be foreseen."

The following, in the same letter, is a clever hit at constructive powers:

"The House of Representatives sent us yesterday a bill for incorporating a company to work Roosewell's copper mines in New Jersey. I do not know whether it is understood that the Legislature of Jersey was incompetent to this, or merely that we have concurrent legislation under the sweeping clause. Congress are authorized to defend the nation. Ships are necessary for defence; copper is necessary for ships; mines are necessary for copper; a company necessary to work mines; and who can doubt this reasoning who has ever played at "This is the House that Jack built?" Under such a process of filiation of necessities the sweeping clause makes clean work."

He wrote to Madison, May 12th, thus summing up the action of both houses of Congress during the session:

"Congress will rise to-day or to-morrow. Mr. Nicholas proposing to call on you, you will get from him the Congressional news. On the whole, the Federalists have not been able to carry a single strong measure in the lower house the whole session. When they met, it was believed they had a majority of twenty; but many of these were new and moderate men, and soon saw the true character of the party to which they had been well disposed while at a distance. The tide, too, of public opinion sets so strongly against the Federal proceedings, that this melted off their majority, and dismayed the heroes of the party. The Senate alone remained undismayed to the last. Firm to their purposes, regardless of public opinion, and more disposed to coerce than to court it, not a man of their majority gave way in the least; and on the Election Bill they adhered to John Marshall's amendment, by their whole number; and if there had been a full Senate, there would have been but eleven votes against it."

The Election Law of this session alluded to, which the Senate passed, putting down all amendments by a vote of two to one, was introduced by Senator Ross, the recently defeated Federal candidate for Governor in Pennsylvania; and it provided that in elections of President and Vice-President a joint committee of both houses should be chosen by ballot, with power to decide on the validity of objections to any of the electoral votes. This, of course, would practically give the committee power to choose the President—and the bill had a peculiar significance from the following facts.

Pennsylvania had hitherto chosen her Presidential electors by a popular vote and by general ticket, but the law had expired, and the State Senate, in which there was a majority of

Federalists, refused to concur in its renewal, as it was now doubted by no one that the State was strongly Republican, and that were the people permitted to chose electors as heretofore, Mr. Jefferson's election would be rendered certain. A new legislature was to be chosen before the Presidential election, and it was morally certain that at least in joint ballot the Republicans would have a majority. It was supposed, of course, that Governor McKean (as Jefferson wrote Madison, March 8th) would convene the Legislature, and that this body would immediately pass an electoral law giving the choice of electors to itself. There would be certainly nothing unjust in this, as various other States chose by their Legislatures, and as there was no other way of preventing the State from losing its Presidential vote. The Republicans generally believed that it was to enable the Federal majority in Congress, through a committee, to reject the Pennsylvania vote, in this event, as irregular, that Ross's bill was introduced. Duane so charged in the Aurora, and that this course had been agreed upon in a secret caucus of the Federal senators. The consequences of his making this statement will presently be related. But the Senate's bill was too flagrant for the House of Representatives. The wishes of the Republican minority, Marshall's "dexterous manœuvre," and some other subsequent action, have been stated in the preceding letters. The houses did not agree; and no bill was passed.

Nicholas, on the 7th day of January, moved a resolution to repeal the act passed January 16th, 1798, entitled, "An act to augment the army of the United States." After an animated debate of several days, the motion was lost by about twenty majority.

It was on this occasion that John Randolph made his first speech in the House, and during it, applied the epithet of "ragamuffins" and "mercenaries" to the army. In consequence of this, on the next day, a Captain McKnight and a Lieutenant Reynolds, officers in the army, jostled and otherwise insulted Mr. Randolph in the theatre. The latter addressed a haughty communication to the President, in which he stated that "the independence of the Legislature had been attacked" in his person, and he demanded "that a provision commensurate with the evil be made, and which would be calculated to deter others from any future attempt to introduce the reign of terror into our country." The

President sent the communication to the House, as pertaining to a matter more appropriately within its jurisdiction; and a committee of that body reported a resolution "that sufficient cause did not appear for the interposition of this House, on the ground of a breach of its privileges." Amendments to this, censuring the two officers, were rejected by a majority of fourteen, and then the resolution was itself rejected by a majority of twelve. The Speaker ruled<sup>1</sup> a separate resolution of censure to be out of order, and after this ruling was sustained, on appeal, by a vote of fifty-six to forty-two, the affair was dropped.<sup>2</sup>

An act passed (February 20, 1800) suspending all further enlistments under the second section of the law to augment the army, etc., unless "war should break out between the United States and the French Republic, or imminent danger of invasion of their territory by the said Republic, should, in the opinion of the President of the United States, be discovered to exist." But the non-intercourse act with France, and that authorizing the arming of merchant vessels, were continued. The President was authorized to borrow three and a half millions of dollars. A general bankrupt law was passed. Towards the close of the session (May 14th, 1800), the President was authorized to suspend further military appointments, and on or before the 15th of June ensuing, to discharge (with three months' extra pay) the officers and privates of the army, except the engineers, inspector of artillery, and inspector of fortifications, providing nothing in the act "should be construed to authorize any reduction of the first four regiments of infantry, the two regiments of artillery and engineers, the two troops of light dragoons, or the general and other staff authorized by the several laws for the establishing and organizing of the aforesaid corps."<sup>3</sup>

The Robbins affair alluded to by Jefferson, and which made so much noise in its day, was as follows: A person calling himself Jonathan Robbins was arrested in Charleston, at the instance of the British Consul, in pursuance of the provision in the treaty of London for the rendition of murderers and forgers. He was charged with being one Thomas Nash, boatswain of a British frigate, and one of a party of mutineers who, in 1797, had slain the officers of the frigate and then carried it into La

<sup>1</sup> Annals of Congress, 1799-1801, p. 505.

<sup>2</sup> See Jefferson to his daughter presently.

<sup>3</sup> U. S. Statutes at Large, vol. ii. p. 85.



Guayra and sold it. Application being made to the President, he directed the district judge to give up the prisoner on such testimony as would justify his apprehension and commitment for trial, had the offence been perpetrated within the United States. Robbins, or Nash, presented an affidavit that he was born in Danbury, Connecticut, also a notarial certificate granted him in New York several years before as Jonathan Robbins; and he made oath that he had two years before been impressed into the British service. He was however given up, tried by court martial at Halifax, and hanged.<sup>1</sup>

The President was severely censured for surrendering this man under such circumstances—a feeling not confined entirely to the Republicans. It was very warmly participated in by Mr. Pinckney, a Federal senator from South Carolina. It is true he had acted as counsel for the prisoner, but if he was a conscientious and honorable man, this should only entitle his opinion to the more weight, for it would certainly better enable him to judge of the identity, and also of the guilt or innocence of his client. Livingston's resolutions charged the President with a dangerous interference with the rights and duties of the judiciary. The speakers mentioned by Jefferson took part in the debate on these; and also Bayard, Otis, Harper, and Dana. As he remarks, Marshall greatly distinguished himself in opposition to the resolutions—the question being one well adapted to his powerful but dry and lawyer-like tone of thought.<sup>2</sup>

The resolutions were defeated by about the usual party vote, but the majority was glad to get rid of the question by discharging the Committee of the Whole from the further consideration of the subject, without attempting to press Bayard's resolutions of approbation.

"Truxton's aggression," mentioned by Mr. Jefferson as likely to endanger our relations with France, while our Envoys were making a slow land journey across Spain, consisted in his two days' pursuit in the *Constellation*, of the French national vessel *La Vengeance*, his attacking and so injuring her that notwithstanding she escaped, she only reached Curaçoa dismasted, and

<sup>1</sup> It was said that Admiral Parker wrote Mr. Liston, the British Minister in the United States, that before his execution, the condemned man confessed that he was an Irishman by birth.

<sup>2</sup> In Mr. Justice Story's Discourse on Chief-Justice Marshall, he says of this speech, that it "silenced opposition and settled then and forever the points of national law upon which the controversy hinged."

in so damaged a condition that she was condemned as unfit for further service.<sup>1</sup>

Truxton was not assuredly in fault if he was obeying the orders of his Government; and the achievement, in a military point of view, was a gallant one.

The "overhauling of the editor of the *Aurora*" took place in this wise: It has been mentioned that on the introduction of Ross's election bill, Duane publicly charged (as the Republicans generally believed) that it was intended to exclude the vote of Pennsylvania; and he further asserted that the matter had been agreed on in a caucus of the Federal senators. This publication was taken up in the Senate, and referred to a committee of privileges. On their report, the Senate resolved that Duane's "assertions and pretended information respecting the Senate and their proceedings" were "false, defamatory, scandalous, and malicious, tending to defame the Senate, and to bring them into contempt and disrepute," and "that the said publication was a high breach of the privileges of the Senate." Duane being summoned to appear at the bar, asked permission to be assisted by counsel. This was granted, but with the proviso that his counsel should only be heard on questions of fact, or in extenuation of his offence; which would preclude all questioning of the propriety or constitutionality of the Senate's proceedings. Duane did not appear at the appointed time, but sent a correspondence between himself and his counsel Dallas and Thomas Cooper, in which both of the latter refused to act under the restrictions imposed by the Senate; and Duane declared that under these circumstances, he felt it his duty to decline any further voluntary attendance, and he left the Senate "to pursue such measures . . . as in their wisdom they might deem meet."

<sup>1</sup> Truxton, while cruising off Guadalupe, discovered the latter and gave chase. The *Vengeance* was loaded so heavily with valuable goods that she lay very deep in the water; and she had a large quantity of specie on board. She attempted to escape, but after two days chase, the *Constellation* brought her into an action, which lasted several hours, when the ships separated, the *Vengeance* having fifty men killed and one hundred and ten wounded, and being reduced to the condition mentioned in the text. The main-mast of the *Constellation* having gone by the board, she was unable to follow. The armament of the *Constellation* consisted of twenty-eight eighteens and ten twenty-four pound carronades, with three hundred and ten men. The force of *La Vengeance* was twenty-eight eighteens, sixteen twelves, and eight forty-two pound carronades; with a crew variously stated to have been between four and five hundred men. Midshipman Jarvis was in command aloft, and in the hope of securing the damaged main mast, refused to abandon his post, and with all the top-men went over the side with the falling spars. Jarvis and all but one of the men were lost; and Congress passed a solemn resolution in approval of his gallantry. (See Cooper's *Naval History*.)

To add to the offence of the audacious captain of volunteers, who had worn a plume of "cock's neck feathers," the word "wisdom" was underscored, and this was construed to imply a sneer. The Senate voted him guilty of a contempt, and a warrant was issued directing the sergeant-at-arms to arrest and hold him in custody until further orders. Duane kept out of the way, and an unsuccessful attempt was made by petitions to induce the Senate to suspend their order. On the day of adjournment they passed a resolution requesting the President to order his prosecution for a libel on the Senate.

One or two other noteworthy circumstances occurred during the first session of the sixth Congress, not alluded to by Mr. Jefferson.

Macon (January 23) moved the repeal of that part of the Sedition Law which related to seditious libels. He expected to carry the vote of the House by the aid of a body of southern Federalists, who, prior to their election, had expressed themselves opposed to this part of the law, and some of whom were formally pledged to vote for its repeal. In one or both of these categories was understood to stand the late Minister to France, John Marshall. Mr. Bayard of Delaware moved to amend Macon's resolution by adding: "and the offences therein specified shall remain punishable as at common law; provided, that upon any prosecution it shall be lawful for the defendant to give in his defence the truth of the matters charged as a libel."

The effect of this would be to substitute for the repealed law a vastly more sweeping one, except in a particular where the modification, in its practical effect, would prove rather ostensible than real; and besides, it would be a broad entering wedge to investing the Supreme Court with that general common law jurisdiction which the Republicans and all friends of State rights dreaded more than any or all the preceding high-handed measures of their opponents put together.

The question was taken on the first part of the resolution (for the repeal), and it passed yeas fifty, nays forty-eight. The amendment was also passed, yeas fifty-one, nays forty-seven. The amended resolution was then lost, yeas eleven, nays eighty-four.

Four Southern Federalists voted for both the resolution and the amendment. They might have been influenced purely by a

desire to repeal the existing law in order to substitute one which left punishment at the discretion of the courts. They might have been only redeeming pledges to the ear to break them to the hope. They at least, after assisting to carry Macon's resolution, more than turned the scale in favor of Bayard's amendment. And, practically, they certainly enabled the pledged Southern Federalists to vote harmlessly for an anti-administration measure, by rendering its defeat certain at the hands of both parties. This, at the time, was believed to be the object of the amendment and of the vote of at least three out of the four Federalists whose action would hardly be reasonably explainable on any other hypothesis.<sup>1</sup>

During this session, congressional caucuses were held by both parties to nominate their candidates for the Presidency and Vice-Presidency. The Republicans unanimously nominated Mr. Jefferson for the first office, and Aaron Burr of New York received a majority of votes for the second.

The Federalists nominated the incumbent, and General Charles Cotesworth Pinckney, of South Carolina, the ex-Minister to France, and one of the major-generals of the provisional army. The caucus recommended both candidates to an equal support.

Congress adjourned on the 14th of May, 1800.

Mr. Jefferson's correspondence with his daughters during the session will be found seasoned with a new infusion of political matter.

TO MARIA JEFFERSON EPPES.

PHILADELPHIA, Jan. 17, 1800.

MY DEAR MARIA:

I received at Monticello two letters from you, and meant to have answered them a little before my departure for this place; but business so crowded upon me at that moment that it was not in my power. I left home on the 21st, and arrived here on the 28th of December, after a pleasant journey of fine weather and good roads, and without having experienced any inconvenience. The Senate had not yet entered into business, and I may say they have not yet entered into it; for we have not occupation for half an hour a day. Indeed it is so apparent that we have nothing to do but to raise money to fill the deficit of five millions of dollars, that it is proposed we shall rise about the middle of March; and as the proposition comes from the Eastern members, who have always been for sitting permanently, while the Southern are constantly for early adjournment, I presume we shall rise then.

<sup>1</sup> The four individuals referred to were Benjamin Huger and Abraham Nott of South Carolina, and Josiah Parker and Edwin Gray of Virginia.

In the meanwhile, they are about to renew the bill suspending intercourse with France, which is in fact a bill to prohibit the exportation of tobacco, and to reduce the tobacco States to passive obedience by poverty. J. Randolph has entered into debate with great splendor and approbation. He used an unguarded word in his first speech, applying the word *ragamuffin* to the common soldiery. He took it back of his own accord, and very handsomely, the next day when he had occasion to reply. Still, in the evening of the second day, he was jostled, and his coat pulled at the theatre by two officers of the navy, who repeated the word *ragamuffin*. His friends present supported him spiritedly, so that nothing further followed. Conceiving, and, as I think, justly, that the House of Representatives (not having passed a law on the subject) could not punish the offenders, he wrote a letter to the President, who laid it before the House, where it is still depending. He has conducted himself with great propriety, and I have no doubt will come out with increase of reputation, being determined himself to oppose the interposition of the House when they have no law for it. M. du Pont, his wife and family, are arrived at New York, after a voyage of three months and five days. I suppose after he is a little recruited from his voyage we shall see him here. His son is with him, as is also his son-in-law Bureau Pusey, the companion and fellow-sufferer of Lafayette. I have a letter from Lafayette of April; he then expected to sail for America in July, but I suspect he awaits the effect of the mission of our ministers. I presume Madame de Lafayette is to come with him, and that they mean to settle in America. The prospect of returning early to Monticello is to me a most charming one. I hope the Fishery will not prevent your joining us early in the spring. However, on this subject we can speak together, as I will endeavor, if possible, to take Mont Blanco and Eppington in my way. A letter from Dr. Carr, of December 27, informed me he had just left you well. I become daily more anxious to hear from you, and to know that you continue well, your present state being one which is most interesting to a parent, and its issue I hope will be such as to give you experience what a parent's anxiety may be. I employ my leisure moments in repassing often in my mind our happy domestic society when together at Monticello, and looking forward to the renewal of it. No other society gives me now any satisfaction, as no other is founded in sincere affection. Take care of yourself, my dear Maria, for my sake, and cherish your affections for me, as my happiness rests solely on yours and on that of your sisters and your dear connections. Present me affectionately to Mr. Eppes, to whom I inclosed some pamphlets some time ago without any letter; as I shall write no letters the ensuing year for political reasons which I explained to him. Present my affections also to Mrs. and Mr. Eppes, sen., and all the family, for whom I feel every interest that I do for my own. Be assured yourself, my dear, of my most tender and constant love. Adieu.

Yours affectionately and for ever,

TH. JEFFERSON.

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TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, Jan. 21, 1800.

I am made happy by a letter from Mr. Eppes, informing me that Maria was become a mother, and was well. It was written the day after the event. These circumstances are balm to the painful sensations of this place. I look forward with hope to the moment when we are all to be reunited again. . . . I inclose

a little tale for Anne. To Ellen you must make big promises, which I know a bit of gingerbread will pay off. Kiss them all for me. My affectionate salutations to Mr. Randolph, and tender and increasing love to yourself. Adieu, my dear Martha, affectionately.

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#### TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, Feb. 11th, 1800.

A person here has invented the prettiest improvement in the forte piano I have ever seen. It has tempted me to engage one for Monticello; partly for its excellence and convenience, partly to assist a very ingenious, modest, and poor young man, who ought to make a fortune by his invention. His strings are perpendicular, so that . . . . . He contrives within that height to give his strings the same length as in the grand forte piano, and fixes his three unisons to the same screw, which screw is in the direction of the strings, and therefore never yields. It scarcely gets out of tune at all, and then, for the most part, the three unisons are tuned at once. . . . . The House of Representatives have sent a resolution to the Senate to adjourn on the first Monday of April. The Eastern men being, for the first time, eager to get away, for political reasons, I think it probable we shall adjourn about that time. There is really no business which ought to keep us one fortnight. I am therefore looking forward with anticipation of the joy of seeing you again ere long, and tasting true happiness in the midst of my family. My absence from you teaches me how essential your society is to my happiness. Politics are such a torment that I would advise every one I love not to mix with them. I have changed my circle here according to my wish, abandoning the rich, and declining their dinners and parties, and associating entirely with the class of science, of whom there is a valuable society here. Still my wish is to be in the midst of our own families at home. . . . . Kiss all the dear little ones for me; do not let Ellen forget me; and continue to me your love in return for the constant and tender attachment of

Yours affectionately.

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#### TO MARIA JEFFERSON EPPES.

PHILADELPHIA, Feb. 12, 1800.

MY DEAR MARIA:

Mr. Eppes's letter of January 17 had filled me with anxiety for your little one, and that of the 25th announced what I had feared. How deeply I feel it in all its bearings I shall not say—nor attempt consolation when I know that time and silence are the only medicines. I shall only observe, as a source of hope to us all, that you are young, and will not fail to possess enough of these dear pledges which bind us to one another and to life itself. I am almost hopeless in writing to you, from observing that at the date of Mr. Eppes's letter of January 25th, three which I had written to him and one to you had not been received. That to you was January 17th, and to him December 21, January 22, and one which only covered some pamphlets. That of December 21st was on the subject of Powell, and would of course give occasion for an answer. I have always directed to Petersburg; perhaps

Mr. Eppes does not have inquiries made at the post-office there. His of January 1, 12, 17, 25, have come safely, though tardily. One from the Hundred never came. I will inclose this to the care of Mr. Jefferson.

The Representatives have proposed to the Senate to adjourn on the 7th of April, and as the motion comes from the Eastern quarter; and the members from thence are anxious, for political reasons, to separate, I expect we shall adjourn about that time. I fully propose, if nothing intervenes to prevent it, to take Chesterfield in my way home. I am not without hopes you will be ready to go on with me, but at any rate that you will soon follow. I know no happiness but when we are all together. You have, perhaps, heard of the loss of Jupiter. With all his defects, he leaves a void in my domestic arrangements which cannot be filled. Mr. Eppes's last letter informed me how much you had suffered from your breasts; but that they had then suppurated, and the inflammation and consequent fever abated. I am anxious to hear again from you, and hope the next letter will announce your reëstablishment. It is necessary for my tranquillity that I should hear from you often; for I feel inexpressibly whatever affects your health or happiness. My attachments to the world, and whatever it can offer, are daily wearing off, but you are one of the links which hold to my existence, and can only break off with that. You have never, by a word or deed, given me one moment's uneasiness; on the contrary, I have felt perpetual gratitude to Heaven for having given me in you a source of so much pure and unmixed happiness; go on then, my dear, as you have done, in deserving the love of every body; you will reap the rich reward of their esteem, and will find that we are working for ourselves while we do good to others. I had a letter from you sister yesterday. They were all well. One from Mr. Randolph had before informed me they had got to Edgehill, and were in the midst of mud, smoke, and the uncomfortableness of a cold house. Mr. Trist is here alone, and will return soon. Present me affectionately to Mr. Eppes, and tell him when you cannot write he must; as also to the good family at Eppington, to whom I wish every earthly good. To yourself, my dear Maria, I cannot find expressions for my love. You must measure it by the feelings of a warm heart. Adieu.

TH. JEFFERSON.

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TO MARIA JEFFERSON EPPES.

PHILADELPHIA, April 6, 1800.

I have at length, my ever dear Maria, received by Mr. Eppes's letter of March 24, the welcome news of your recovery—welcome, indeed, to me, who have passed a long season of inexpressible anxiety for you; and the more so as written accounts can hardly give one an exact idea of the situation of a sick person. I wish I were able to leave this place and join you, but we do not count on rising till the first or second week of May. I shall certainly see you as soon after that as possible, at Mont Blanco or Eppington, at whichever you may be, and shall expect you to go up with me, according to the promise in Mr. Eppes's letter. I shall send orders for my horses to be with you, and wait for me if they arrive before me. I must ask Mr. Eppes to write me a line immediately by post to inform me at which place you will be during the first and second weeks of May, and what is the nearest point or the road from Richmond, where I can quit the stage, and borrow a horse to go on to you. If written immediately, I may receive it here before my departure. Mr. Eppes's letter informs me your sister was with you at that date; but from Mr. Ran

dolph I learn she was to go up this month. The uncertainty where she was, prevented my writing to her for a long time. If she is still with you, express to her all my love and tenderness for her. Your tables have been ready some time, and will go in a vessel which sails for Richmond this week. They are packed in a box marked J. W. E., and will be delivered to Mr. Jefferson probably about the latter part of this month.

I write no news for Mr. Eppes because my letters are so slow in getting to you that he will see everything first in the newspapers. Assure him of my sincere affections, and present the same to the family of Eppington if you are together. Cherish your own health for the sake of so many to whom you are so dear, and especially for one who loves you with unspeakable tenderness. Adieu, my dearest Maria.

TH. JEFFERSON.

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TO MARTHA JEFFERSON RANDOLPH.

(Extract.)

PHILADELPHIA, April 22, 1800.

Mr. Eppes informs me that Maria was so near well that they expected in a few days to go to Mont Blanco. Your departure gives me a hope her cure was at length established. A long and painful case it has been, and not the most so to herself or those about her; my anxieties have been excessive. I shall go by Mont Blanco to take her home with me. . . . I long once more to get all together again; and still hope, notwithstanding your present establishment, you will pass a great deal of the summer with us. I wish to urge it just so far as not to break in on your and Mr. Randolph's desires and convenience. Our scenes here can never be pleasant; but they have been less stormy, less painful, than during the XYZ paroxysms.

Mr. Jefferson's general characterization of the late session of Congress was most accurate. The Hamiltonians in the Senate were ready to brave public sentiment to any extent; but the House faltered. Any vehement action pending the new French negotiations would call forth universal reprobation. Mr. Adams had his Federal enemies at his mercy as he would have had them nearly a year earlier had he done his duty to his country and to himself. Hamilton's rod of power was broken. When he no longer had General Washington's "ægis"<sup>1</sup> as a cover for plans of which Washington knew as little as any man in the nation, the moderate Federalists rallied. Some of them resented the dictation they had endured; some of them suspected and repudiated Hamilton's designs. We shall have clear proof of this before the final adjournment of this Congress.

We do not find his customary programme drawn up for this session, any farther than it is hinted in a letter we have quoted

<sup>1</sup> See Hamilton to Colonel Lear, Jan. 2d, 1800. Hamilton's Works, vol. vi. p. 415.



to Mr. King.<sup>1</sup> There was manifestly a degree of confusion and hesitation in the Federal ranks. Hamilton's published correspondence contains but five letters written by him during the session. One to Sedgwick contains the only direct allusions to the writer's interference in Congressional affairs. We give it entire :

New York, February 27, 1800.

DEAR SIR:

When will Congress probably adjourn? Will anything be settled as to a certain *election*? Will my presence be requisite as to this or any other purpose, and when? I observe, more and more, that by the jealousy and envy of some, the miserliness of others, and the concurring influence of *all foreign powers*, America, if she attains to greatness, must *creep* to it. Will it be so? Slow and sure is no bad maxim. Snails are a wise generation.

P. S. Unless for indispensable reasons, I had rather not come.\*

The italicization of the original is preserved. This brief note is significant of both the plans and feelings of the writer.

General Henry Lee wrote to Hamilton, March 5th :

\* \* \* \* "It gives me pain to find you so despondent. Certainly you cannot regard the calumnies of your enemies. This to them would be high gratification. Nor ought you to despond of your country. We have heretofore prospered when surrounded by infinitely greater difficulties, in contributing to which prosperity no man alive has done more than yourself. Be then more like yourself and resist to victory all your foes."<sup>2</sup>

In reply, Hamilton informed his correspondent that he felt "no despondency of any sort;" that the country could not be "quacked out of its political health;" that "as to himself, he felt that he stood on ground which sooner or later would insure him a triumph over all his enemies;" that he was insensible "in the meantime" to the injustice to which "he was at that moment the victim;" that perhaps "his sensibility was the effect of an exaggerated estimate of his services to the United States," etc.<sup>3</sup>

Mr. Adams, on receiving the proposals of Miranda—which first broke the great South American project to him—had addressed a note of seven lines to the Secretary of State, Mr. Pickering. He said: "We are friends with Spain. If we were enemies would the project be useful to us? It will not be in

<sup>1</sup> See ante, page 468.    \* Hamilton's Works, vol. vi. p. 429.    \* Ibid. p. 130.

<sup>2</sup> Hamilton's Works, vol. vi. p. 431.

character for me to answer the letter. Will any notice of it in any manner be proper?"<sup>1</sup>

General Hamilton had never contemplated taking part in the scheme, but as the commander of an army. The United States must furnish the land forces to entitle him to the command. Individuals could not muster such an army and its supplies for want of funds; and the attempt openly to enlist and organize in the United States a large force against a friendly power would certainly bring its projectors in conflict with our neutrality laws. And were all these obstacles overcome, individuals could not give that national guaranty which was one of the main features of the plan. England would not be at all likely to enter into quasi-international stipulations and measures with a band of private adventurers. The United States Government must assume the undertaking, or the American branch of it must wholly fail. There could be no rational hope that the American Government would embark in it directly, or by any roundabout course, against the recommendations of the Executive. Were it otherwise, the command of the expedition would depend upon the Executive will.

Mr. Adams's dry and peculiar answer to Miranda's proposal, and his subsequent conduct in respect to France, gave no hope that he could be persuaded or dragged into the scheme. Not another word appears to have been said to him on the subject. When the death of General Washington left Hamilton without any adventitious protection from the man on whom he had inflicted so many injuries and humiliations, Mr. Adams evidently only awaited an opportunity to settle up scores with him. The approaching Presidential election imposed restraints; but his angry mutterings against the "British party in the United States" could not be wholly suppressed.

Hamilton stood indeed in a discouraging position, in the winter and spring of 1800. He knew that "a large proportion" of the Federalists "still retained the attachment" for Mr. Adams "which was once a common sentiment" among them.<sup>2</sup> He could not prevent his renomination. If he was elected the Miranda scheme was as much past subsequent resuscitation as it would be in the event of Jefferson's success. Mr. Adams had

<sup>1</sup> Adams's Works, vol. viii. p. 600.

<sup>2</sup> See his letter on the conduct, etc., of Mr. Adams, 1800. Works, vol. vi. p. 725.

but to ascertain Hamilton's complicity in it, and his hopes connected with it, to become its vehement foe, and perhaps publicly to expose the concealed negotiations with England.<sup>1</sup> And if Mr. Adams was reëlected, Hamilton had every reason to expect that not only his gorgeous South American visions would all fade into utter impossibilities, but that he would be compelled henceforth to face the hatred and fears of the Republicans, reinforced by the hostility of that large majority of Federalists which he conceded was led by Mr. Adams.

Is it asked why we continue to place the Miranda scheme among the causes which were likely to form motives to Hamilton's conduct in 1800? It is generally understood that Mr. Adams's refusal to entertain the project in October, 1798, gave it its death-blow. This in reality was the fact. But it gave no death-blow to Hamilton's hopes or efforts. It was in 1799 that he made his disclosures to Gunn, Otis, and others in Congress, and called for great military preparations for this confidentially avowed object. He expected to bring to bear circumstances which would force Mr. Adams into acquiescence. In 1800, he had despaired of the latter; but had he yet given up hopes of his scheme? If so, what mean his declarations to King, January 5th, 1800, that "if the projected cipher was established, he should then have very much to say to him"—that "the arrangement is not yet mature"—that he soon "hopes to make it so, by forwarding" to his correspondent "the counterpart which was in preparation"—that "everything was in the main well," except from the perverseness of "one," etc.?

After studying their previous correspondence, these mysterious references will be seen to point as unmistakably to the Miranda scheme, as if it had been named.

Something besides personal hostility and partisan interest, therefore, conspired to urge Hamilton to look with disfavor on Mr. Adams's election. He resolved to defeat it; and the means and their results will hereafter appear.

<sup>1</sup> If the authority for our hypothesis of Hamilton's feelings in respect to Mr. Adams is asked for, we refer the reader back to the already quoted letter of Hamilton to King, January 5, 1800. We will repeat a paragraph:

"The leading friends of the Government are in a sad dilemma. Shall they risk a serious schism by an attempt to change? Or shall they annihilate themselves and hazard their cause by continuing to uphold those who suspect or hate them, and who are likely to pursue a course for no better reason than because it is contrary to that which they approve?"

## CHAPTER XI.

1800—1801.

Removal of Seat of Government to Washington—Wolcott's, Morris's and Mrs. Adams's Descriptions of the New Capital—Presidential Canvass in 1800—Hamilton's Plan to defeat Mr. Adams—Result of New York Election—Adams removes McHenry and Pickering—Wolcott's Retention, and the Vacancies filled—Effect of the Change—The Legislative Election in New York decides the choice of Electors in that State—Hamilton solicits Governor Jay to practically set aside that Decision—Jay's marked Condemnation of the Proposal—That Proposal a part of a larger Scheme to prevent a fair Election—Some of Hamilton's Assertions to Jay considered—The adoption of his Plans would have led to Civil War—Did he contemplate that Result?—His Tour through New England—Calls on Wolcott for Materials for a Secret Attack on the President—Wolcott promises his Aid—The ex-Secretaries join in this—Other Confederates—Posture of these men as described by themselves—Hamilton's Attack printed for private circulation—Obtained by Burr and published—Some of Hamilton's remarkable Statements in it examined—The Effect of the Paper—Comments of Carroll and Cabot—Comments of Republican Press—Hamilton meditates a Reply—Wisely desists—Jefferson in the Summer of 1800—His Journeyings—Family Census—Farm Matters—Election Expenses—His Correspondence—Attack on him by New England and New York Clergy—Rev. Dr. John M. Mason's Pamphlet—Causes to which Jefferson imputed these Attacks—Result of Legislative Election in Pennsylvania—Result in Maryland—Second Session of Sixth Congress—President's Speech—Wolcott's Retirement—Jefferson to R. R. Livingston and to Burr—How far Burr contributed to the Republican Success in New York—Burr suspected of Intriguing in New York for the Presidency—Accused of it on strong Evidence in New Jersey—His Instruments approach a Member of Congress—Jefferson to Political and Scientific Correspondents—House of Representatives agree on Rules of Election—The Electoral Votes counted in the Senate—M. L. Davis's Fabrications concerning the Georgia Returns—The Result a Tie between Jefferson and Burr—The prior Arrangements of the Federalists for such a Contingency—Hamilton to Bayard and Wolcott—Proposes to start Burr "for the Plate," but objects to the Federalists supporting him—Pronounces him the Catiline of America, etc.—Further Correspondence on this Subject—Positions of Cabot, Otis and Sedgwick—Morris's important Disclosures—Marshall's and Bayard's Positions—Sedgwick changes Ground—Hamilton's final Appeal—Adams to Gerry—The Opinions of Jefferson disclosed by preceding Correspondence—Hamilton's unfortunate Position to produce any Effect—Federal Caucus decide to support Burr—The Conduct of the Party considered—Jefferson to his Daughter—Incidents of House of Representatives meeting to Ballot for President—Result of the Ballot—Political Complexion of the Vote—The continued Ballotings—Randolph's and Dana's Bulletins—Jefferson to Dr. Barton, Monroe, Mrs. Eppes, etc.—Entries in the *Ana*—The Struggle terminated—Jefferson's Obligations to Federalists considered—The entire Advantage of the Republicans if Force was resorted to—The Arbitration of Arms expected by both parties in case of Usurpation or Anarchy—Burr's reprehensible Conduct during the Struggle in the House—His probable resort to all safe Means to procure an Election.

THE removal of the seat of Government to Washington took place in June, 1800. Though this spot had been for twelve

years designated for the future and permanent capital, it still remained in a very primitive state. Wolcott gave a general description of the town, the public buildings, etc., in a letter to his wife on the 4th of July, from which the following is taken :

"The capitol is situated on an eminence, which I should suppose was near the centre of the immense country here called the city. It is a mile and a half from the President's house, and three miles on a straight line from Georgetown. There is one good tavern, about forty rods from the capitol, and several other houses are built or erecting; but I do not see how the members of Congress can possibly secure lodgings, unless they will consent to live like scholars in a college, or monks in a monastery, crowded ten or twenty in one house, and utterly secluded from society. The only resource for such as wish to live comfortably will be found in Georgetown, three miles distant, over as bad a road in winter as the clay grounds near Hartford. I have made every exertion to secure good lodgings near the office, but shall be compelled to take them at the distance of more than half a mile. There are, in fact, but few houses in any one place, and most of them small, miserable huts, which present an awful contrast to the public buildings. The people are poor, and, as far as I can judge, they live like fishes, by eating each other. . . . You may look in almost any direction, over an extent of ground nearly as large as the city of New York, without seeing a fence or any object except brick-kilns and temporary huts for laborers. . . . All the lands which I have described are valued at fourteen to twenty-five cents the superficial foot. There appears to be a confident expectation that this place will soon exceed any city in the world."<sup>1</sup>

Gouverneur Morris wrote a female acquaintance in Europe, after the assembling of Congress, a few months later :

"We want nothing here but houses, cellars, kitchens, well-informed men, amiable women, and other little trifles of this kind to make our city perfect; for we can walk here as if in the fields and woods, and, considering the hard frost, the air of the city is very pure. I enjoy more of it than any one else, for my room is filled with smoke whenever the door is shut. If, then, you are desirous of coming to live at Washington, in order to confirm you in so fine a prospect, I hasten to assure you, that freestone is very abundant here; that excellent bricks can be burned here; that there is no want of sites for magnificent hotels; that contemplated canals can bring a vast commerce to this place; that the wealth, which is its natural consequence, must attract the fine arts hither; in short, that it is the very best city in the world for a future residence."<sup>2</sup>

Not far from the same period, Mrs. Adams, in a letter to her daughter, gave a still livelier picture of the nascent capital :

"I arrived here on Sunday last, and without meeting with any accident worth noticing, except losing ourselves when we left Baltimore, and going eight or nine miles on the Frederic road, by which means we were obliged to go the other eight

<sup>1</sup> Gibbs's *Administrations of Washington and Adams*, vol. ii. p. 377.

<sup>2</sup> Morris to the Princess de la Tour et Taxis, Dec. 14th, 1800. Sparks's *Morris*, vol. iii. p. 139

through woods, where we wandered two hours without finding a guide, or the path. Fortunately a straggling black came up with us, and we engaged him as a guide to extricate us out of our difficulty; but woods are all you see from Baltimore until you reach the city, which is only so in name. Here and there is a small cot, without a glass window interspersed amongst the forests, through which you travel miles without seeing any human being. In the city there are buildings enough, if they were compact and finished, to accommodate Congress and those attached to it; but as they are, and scattered as they are, I see no great comfort for them. The river, which runs up to Alexandria, is in full view of my window, and I see the vessels as they pass and repass. The house is upon a grand and superb scale, requiring about thirty servants to attend and keep the apartments in proper order, and perform the ordinary business of the house and stables; an establishment very well proportioned to the President's salary. The lighting the apartments from the kitchen to parlors and chambers is a tax indeed, and the fires we are obliged to keep to secure us from daily agues is another very cheering comfort. To assist us in this great castle, and render less attendance necessary, bells are wholly wanting, not one single one being hung through the whole house, and promises are all you can obtain. This is so great an inconvenience, that I know not what to do, or how to do. The ladies from Georgetown and in the city have many of them visited me. Yesterday I returned fifteen visits—but such a place as Georgetown appears—why our Milton is beautiful. But no comparisons;—if they will put me up some bells, and let me have wood enough to keep fires, I design to be pleased. I could content myself almost anywhere three months; but, surrounded with forests, can you believe that wood is not to be had, because people cannot be found to cut and cart it! Briesler entered into a contract with a man to supply him with wood. A small part, a few cords only, has he been able to get. Most of that was expended to dry the walls of the house before we came in, and yesterday the man told him it was impossible for him to procure it to be cut and carted. He has had recourse to coals; but we cannot get grates made and set. We have, indeed, come into a new country.

“You must keep all this to yourself, and when asked how I like it, say that I write you the situation is beautiful, which is true. The house is made habitable, but there is not a single apartment finished, and all withinside, except the plastering, has been done since Briesler came. We have not the least fence, yard, or other convenience, without, and the great unfinished audience room I make a drying-room of to hang up the clothes in. The principal stairs are not up, and will not be this winter. Six chambers are made comfortable; two are occupied by the President and Mr. Shaw; two lower rooms, one for a common parlor, and one for a levee-room. Up-stairs there is the oval room, which is designed for the drawing-room, and has the crimson furniture in it. It is a very handsome room now; but, when completed, it will be beautiful. If the twelve years, in which this place has been considered as the future seat of Government, had been improved, as they would have been if in New England, very many of the present inconveniences would have been removed. It is a beautiful spot, capable of every improvement, and the more I view it, the more I am delighted with it.”<sup>1</sup>

The Presidential canvass opened warmly in the summer of 1800.

<sup>1</sup> Mrs. Adams's Letters, vol. ii. p. 239.

We have stated that Hamilton determined to prevent the reëlection of President Adams. He proposed to effect this by enforcing an equal vote for the Federal Vice-Presidential candidate, Mr. Pinckney, in the North; and as it was known the latter would receive most votes South, he would, under the mode of election then prevailing, be chosen to the Presidency, while Mr. Adams would be reduced to the second place. Hamilton distinctly declared to Sedgwick, that "New York, if Federal, would not go for Mr. Adams, unless there should be as firm a pledge as the nature of the thing would admit, that Mr. Pinckney would be equally supported in the Northern States."

This letter was written on the 8th of May. The New York legislative election had taken place in April. The first accounts were unfavorable to the Federalists, but when Hamilton wrote, news had come from the "northward" which, he said, gave them hope "of still having a majority in the legislature."<sup>1</sup> Two more days had probably dissipated this hope, and Hamilton again wrote to Sedgwick:

"For my individual part my mind is made up. I will never more be responsible for him [Adams] by my direct support, even though the consequence should be the election of Jefferson. If we must have an enemy at the head of the Government, let it be one whom we can oppose, and for whom we are not responsible, who will not involve our party in the disgrace of his foolish and bad measures. Under Adams, as under Jefferson, the Government will sink. . . . 'Tis a notable expedient for keeping the Federal party together, to have at the head of it a man who hates and is despised by those men of it who, in time past, have been its most efficient supporters. If the cause is to be sacrificed to a weak and perverse man, I withdraw from the party, and act upon my own ground, never certainly against my principles, but in pursuance of them my own way. I am mistaken if others will not do the same."<sup>2</sup>

The result of the New York election took from Mr. Adams a galling restraint. He did not know the extent of the personal and official treachery by which he had been surrounded. He did not even suspect Wolcott, the least honorable because the least open and most trusted of the plotters. But he had discovered that a majority of his Cabinet were controlled by Hamilton. He had some inklings of the official infidelity of Pickering and McHenry. He had suppressed his resentments

<sup>1</sup> Hamilton's Works, vol. vi. p. 440.

<sup>2</sup> See *Ib.*

<sup>3</sup> *Ib.* p. 441.

out of fear of the consequences of a rupture with Hamilton, pending the election in New York.

The intelligence of the success of the Republicans in New York city, satisfied Mr. Adams that all was lost in that State. The personal enemy who had so arrogantly dictated to him and to the Federal party, had been beaten at home, and was consequently powerless there for good or for evil.

Mr. Adams determined immediately to make a victim. He sent for McHenry, whose frankness had made his misconduct a little more apparent than that of his colleagues, and told him he "must resign." Instead of dismissing his subordinate with dignity, he stormed and railed<sup>1</sup> until the withered Secretary bent like a reed before the blast. The latter sent in his resignation next morning (May 6th), offering to stay until the 1st of June to explain the business of the department to his successor. The offer was accepted.

Mr. Adams took breath, and perhaps another look towards New York. The disaster there was confirmed. On the 10th, he addressed a note to Pickering, informing him that he (the President) "perceived a necessity of introducing a change in the administration of the office of State," and that he communicated it "to the present Secretary of State, that he might have an opportunity of resigning, if he chose." "He should wish the day on which his resignation was to take place to be named by himself."<sup>2</sup> "After deliberately reflecting on the overture" the President "had been pleased to make to him," Mr. Pickering informed him, he "did not feel it to be his duty to resign."

The first supposition would naturally be that the Secretary meant thus merely to throw the responsibility of a direct removal on his superior, but an examination of the whole letter leads us to an opposite conclusion. There is a tone of resolution about it (perhaps designed to be construed into defiance, if he was removed); but there is also a statement of his poverty, of the situation of his family, of the hope he had entertained by staying a few months longer to save means "for transporting them into the woods," altogether misplaced, if he was not struggling to retain his situation by moving the President's compassion.<sup>3</sup>

<sup>1</sup> See James to John McHenry, May 20th. Gibbs's Memoirs, etc., vol. ii. p. 348.

<sup>2</sup> Adams's Works, vol. ix. p. 53.

<sup>3</sup> At least this is our interpretation of the letter. The reader will find it entire in Adams's Works, vol. ix. p. 54.



There would be something touching in his letter under any ordinary circumstances. There is no aspect of human misfortune so moving as that of a stout hearted and an old man, bent in humiliation, for the sake of his family. No common injuries would excuse deafness to such an appeal. But Pickering's wanton, deliberate and long protracted injuries on Mr. Adams were not common ones, or provoked by causes which commonly reap such a reward. Let the matter be scanned as closely as it may be, and no serious aggression on Pickering's rights or feelings can be traced to the President. If the subordinate disagreed with his principal, he was at liberty to oppose his views. If he could not acquiesce in the determinations or acts of his principal, the door of resignation was open to him, and he could thus wash his hands of all responsibility.

But instead of this he held a post under Mr. Adams to act systematically and continuously as an informer and agent for his unrelenting foe. He was even in the plot to supplant his principal and elect Mr. Pinckney over his head. All this had been done as stealthily, and under as smooth a concealment as the austerity and pugnacity of his temper admitted. To the moment when Mr. Adams intimated a wish that he resign, he was weaving plots around him, and running mines of treachery under his feet. If such a man stooped to plead for compassion to a person thus outraged, and plead what he had imputed to Colonel Smith as a kind of disqualification for office, we may pity his situation; but we must additionally loathe the cringing disposition which, after inflicting such injuries, had not the poor merit of "dying game."

Mr. Pickering's conduct toward Mr. Adams has been justified, or tacitly assumed as justifiable, by several writers, on the plea that he was impelled to all these acts by a sense of patriotic duty. His secret complicity in the Miranda project, and in Hamilton's "Thorough," gives us the gauge of his extraordinary sensibility in this direction. But were the facts infinitely otherwise, the idea of a just patriotism founded on a disregard of all the obligations of private right and manly honor, would be worthier of some Roman parasite in the reign of Commodus, than of any civilized man in the nineteenth century.

On receiving Pickering's answer, the President instantly. by

letter, "discharged him from any further service as Secretary of State."

That Mr. Adams's action did not arise from any merely narrow personal motive, would seem to be proved by his retention of Wolcott, whom he knew to be a Hamiltonian.<sup>1</sup> But not then, nor to the end of his administration, if ever, had he the least idea of the duplicity practised upon him by this subtler intriguer. Indeed, the extent to which any of his Cabinet carried their hostile practices, was never known to him. It required the posthumous exposure of their letters to bring these facts faithfully to light.

The retention of Wolcott, however, may have been in part owing to a desire to signify to the Hamiltonians that they were not to be utterly proscribed in the event of Mr. Adams's reelection; a prudent idea to throw out at the time, to prevent a resort to desperate extremities by that faction.

The places of the dismissed secretaries were filled by John Marshall of Virginia in the State, and Samuel Dexter of Massachusetts, in the War Department. These were nominations which it would not do for the Senate to cavil upon, had they felt any disposition in that direction. With good business habits, both gentlemen were infinitely abler men than their predecessors. Marshall was preëminently the leader of the Southern Federalists; and Dexter was, perhaps, second in talents to no man in New England.

Under the firm and steady lead of these officers, the Government soon acquired an order, system and character which it never had before possessed. Mr. Adams, without any system himself, or the power to enforce it in others, had sense enough to appreciate it everywhere but in his own private conduct. And even in the latter he would have probably appeared in a very different light during the preceding part of his administration, had he not been kept most of the time excited and thrown off his balance by the oppositions, and annoyances and teasings of the men who surrounded him.

An event, growing out of the late important election in New

<sup>1</sup> Mr. Gibbs also says (*Memoirs, etc.*, vol. ii. p. 364) that Wolcott was one of the decided men, who "had been disposed openly, and without concealment, to drop Mr. Adams as a candidate," etc. Mr. Wolcott might have been "disposed" at times to do very determined things "without concealment;" but we find very few evidences that he ever carried his dispositions into effect. He certainly did not in this case.

York, cannot be properly passed over in silence, in sketching the party history of the times. The result of that election rendered it certain that Jefferson and Burr would receive the entire electoral vote of the State; a fact which, if it did not decide the Presidential contest, gave an advantage to the Republicans which it would not be easy to overcome.<sup>1</sup>

At the preceding session, the Republicans (on the motion of that same Senator Peck, who had been dragged to New York a prisoner under the Sedition Law), had attempted to divide the State into districts, and give the choice of Presidential electors to the people. This was voted down by the Federalists, on a strict party division.<sup>2</sup> The latter had, of their own choice, made the legislative election decisive as to the vote of the State on the Presidential question. Every man consequently knew, that in voting for Republican or Federal candidates he was indirectly voting for the Republican or Federal candidates for the Presidency.

On the 2d day of May, the result of the election in the city of New York became known. This was believed to be decisive of the result in the State.

Thereupon Hamilton wrote the following letter to the Governor of New York. We preserve the italics, capitals, etc., of the original.

HAMILTON TO JAY.

NEW YORK, May 16A, 1800.

DEAR SIR:

You have been informed of the loss of our election in this city. It is also known that we have been unfortunate throughout Long Island and in Westchester. According to the returns hitherto, it is too probable we lose our Senators for this district.

The moral certainly therefore is, that there will be an anti-Federal majority in the ensuing Legislature; and the very high probability is, that this will bring Jefferson into the chief magistracy, unless it be prevented by the measure which I shall now submit to your consideration, namely, the immediate calling together of the existing Legislature.

I am aware that there are weighty objections to the measure; but the reasons

<sup>1</sup> But it is an entire mistake to assume, as has often been done, that this result was known to be decisive—though Mr. Jefferson, as has been seen, and possibly other acute politicians, believed it would prove so. In fact, most of the elections which would determine the vote of other States, had not yet been held; and there was not even a moral certainty of their results.

<sup>2</sup> Their avowed ground was, that the measure would be unconstitutional! They contended that the words of the Constitution that "each State shall appoint," etc., implied that the State should act as a body corporate, and that the electors could not, therefore, be appointed by the people. (See Hammond's Political History of New York, vol. i. p. 133.)

for it appear to me to outweigh the objections. And in times like these in which we live, it will not do to be over scrupulous. *It is easy to sacrifice the substantial interests of society by a strict adherence to ordinary rules.*

In observing this, I shall not be supposed to mean, that anything ought to be done which integrity will forbid; but merely that the scruples of delicacy and propriety, as relative to a common course of things, ought to yield to the extraordinary nature of the crisis. They ought not to hinder the taking of a *legal* and *constitutional* step to prevent an atheist in religion, and a fanatic in politics, from getting possession of the helm of State.

You, sir, know in a great degree the anti-Federal party; but I fear you do not know them as well as I do. It is a composition, indeed, of very incongruous materials; but all tending to mischief—some of them to the *OVERTHROW* of the *GOVERNMENT* by stripping it of its due energies, others of them, to a *REVOLUTION*, after the manner of *BONAPARTE*. I speak from indubitable facts, not from conjectures and inferences. In proportion as the true character of the party is understood, is the force of the considerations which urge to every effort to disappoint it; and it seems to me, that there is a very solemn obligation to employ the means in our power.

The calling of the Legislature will have for its object the *choosing of electors by the people in districts*; this (as Pennsylvania will do nothing) will ensure a majority of votes in the United States for a Federal candidate. The measure will not fail to be approved by all the Federal party; while it will, no doubt, be condemned by the opposite. As to its intrinsic nature, it is justified by unequivocal reasons of *PUBLIC SAFETY*.

The reasonable part of the world will, I believe, approve it. They will see it as a proceeding out of the common course, but warranted by the particular nature of the crisis, and the great cause of social order.

If done, the motive ought to be frankly avowed. In your communication to the Legislature, they ought to be told that temporary circumstances had rendered it probable that without their interposition, the executive authority of the General Government would be transferred to hands hostile to the system heretofore pursued with so much success, and dangerous to the peace, happiness, and order of the country; that under this impression, from facts convincing to your own mind, you had thought it your duty to give the existing Legislature an opportunity of deliberating whether it would not be proper to interpose, and endeavor to prevent so great an evil by referring the choice of electors to the people distributed into districts.

In weighing this suggestion, you will doubtless bear in mind that popular governments must certainly be overturned, and while they endure, prove engines of mischief, if one party will call to its aid all the resources which vice can give; and if the other (however pressing the emergency) confines itself within all the ordinary forms of delicacy and decorum.

The Legislature can be brought together in three weeks, so that there will be full time for the object; but none ought to be lost.

Think well, my dear sir, of this proposition—appreciate the extreme danger of the crisis; and I am unusually mistaken in my view of the matter, if you do not see it right and expedient to adopt the measure.<sup>1</sup>

Respectfully and affectionately yours, etc.

<sup>1</sup> This letter appeared first in Jay's Works by his son. (See also Hamilton's Works, vol. vi. p. 438.) It was written the day before Hamilton informed Morris that "accounts" had come from the "northward," which gave the Federalists hopes "of still having a

This extraordinary paper was found among Governor Jay's manuscripts after his death, indorsed (says his son and biographer) in his own handwriting: "Proposing a measure for party purposes which I think it would not become me to adopt."<sup>1</sup>

By the constitution of New York its political year commenced on the 1st of July. When Hamilton wrote, therefore, the term of the last year's Legislature (which had refused to district the State, and adjourned, as it was supposed finally) had between seven and eight weeks yet to run. A Legislature had been chosen with express reference to the appointment of electors. Hamilton's proposition was that the old Legislature, finding that the party was beaten which it represented, should again come together, reverse its former action, do what practically amounted to calling a new Presidential election in the State, and under conditions which (as it could arrange the districts) would secure a proportion, if not a majority of the Presidential electors! In estimating all the bearings of this proposition, we must not overlook Hamilton's quasi-authoritative declaration, that "Pennsylvania will do nothing." We have seen that Pennsylvania had been prevented from continuing her existing election law, by the Federal majority in its Senate. It was understood that Governor McKean would convene its Legislature to pass an electoral law to prevent the State from being wholly disfranchised in the Presidential election.\* Hamilton's dictum

majority of the Legislature." Albany (Jay's official residence) was "northward" of New York. Were the "accounts" supposititious—only a name for the writer's expectations that Governor Jay would comply with his recommendations to convene the old Legislature—or did he really make that most important recommendation, before receiving election returns from the "northward," which might subsequently prove decisive of the result?

<sup>1</sup> Life and Writings of John Jay, vol. ii. p. 414.

\* This course has been compared to that proposed by Hamilton in New York. No analogy exists between them. The New York Federalists had taken their choice of methods, and been beaten. The electors were sure to be appointed and the State represented. The only difficulty was, that the electors were also sure to be Republicans. Hence a great Legislative breach of faith was proposed. McKean's course involved no departure from previous understanding—nothing looking towards a breach of faith—nothing savoring of resorting by a trick to a new trial, after the people had once, in effect, voted on the candidates. The Federalists in the Senate of Pennsylvania had not been forced into a contemptuous attitude by a proposition from the other house, which was either novel or wrong in itself. The Lower House proposed to continue the existing law. The Senate refused, in the hope of disfranchising their State—for they were sure to be beaten either in a popular election or in one by joint ballot in the Legislature. A new Legislature was to be regularly chosen before the election. As their predecessors had not acted, and had gone out of office, its members were legally, morally and honorably as much authorized, nay bound, to exercise their constitutional functions to see their State had its proper voice in the election of a President, as if no other Legislature had met or attempted to take action on the subject. Yet the plan which Hamilton relied on for success, and which he invoked Governor Jay to aid in carrying out, involved not only the

on the subject, therefore, reminds us of Duane's charge, that the Federalists in the United States Senate had agreed to throw out the electoral vote of Pennsylvania under such circumstances.

Hamilton urged a plan, then, on Governor Jay, which he declared would "insure a majority of votes" for the Federal candidates—in other words, turn the scale in the election—which demanded a complete disfranchisement of the second State in the Union in population, and a reversal of action which had fairly settled the result in the third State in the Union,<sup>1</sup> by means which the upright Jay thought it unbecoming to adopt—by means which involved a stupendous fraud in the spirit, if not in the letter of legislation.

Some of the assertions by which he attempted to influence the Governor's action are worthy of special attention.

The devout Jay is invoked to interpose to hinder the elevation of an "atheist" to the chief magistracy. If General Hamilton knew Mr. Jefferson's religious sentiments he knew that he was not an atheist. If he did not know them, he ventured without authority on an explicit and injurious accusation.

The order-loving and conservative Jay is implored to act for the "public safety"—to guard against "a Revolution after the manner of Bonaparte"—in other words, an overthrow of the Government by armed force. The writer alleges that he does not charge this design upon a portion of the Republicans from "conjectures and inferences," but from "indubitable facts." This would seem to convey the idea that he alludes to a specific design, the existence of which is established by particular testimony in his possession, and not in possession of his correspondent and the public. If such was Hamilton's meaning, he never divulged his secret. In all the bitter recriminations which he subsequently heaped upon the Republican party and its leaders, we find not a vestige of this traitorous design.

Did he only refer to the movements of Virginia and Kentucky, as evidenced by their resolutions in 1798 and 1799? What was there about these proceedings which Mr. Jay did not understand as well as himself? Again, it will not be forgotten

remarkable action which his letter urged in New York, but the rejection by Congress of the electoral vote of Pennsylvania!

<sup>1</sup> Pennsylvania had fifteen electoral votes, New York twelve. Virginia, the only State above them, had twenty-one.

<sup>2</sup> By referring to the paragraph in the letter, it will be seen that he had just expressed the fear that Mr. Jay did not know the anti-Federal party as well as he did.

that four months before writing this letter, he had informed Mr. King that "the want of disposition in the people" to second the Virginia leaders, it was believed would prove an effectual preventive to any appeal to force on their part.<sup>1</sup> Virginia and Kentucky had occupied their attitude, whatever it was, two or three years, without taking a step towards practical insurrection. No new explosion had recently occurred in that quarter. Not a measure was on foot or organizing in those States, which remotely menaced an appeal to the sword. The Republicans in them were too confident of victory at the ballot-box to desire any other mode of arbitrament. If they succeeded in the election—if they achieved a bloodless "revolution," what motive could they have for superadding one "after the manner of Bonaparte?" The danger General Hamilton dreaded, it would seem, was to be consequent on a civic victory of the Republicans, for it was to guard against their success and not their defeat, that he called up the gory spectre of civil war as the alternative of the action he proposed to Governor Jay—as the alternative of measures which he declared would defeat the Republican candidates. We do not, therefore, on numerous grounds, see how Hamilton could have possibly had in view the well known action of Virginia and Kentucky, in the dark warning uttered to the Executive of his State.

An impenetrable mystery hangs over the designs he attributed to his opponents, if we are to suppose he made this specific sounding charge in good faith. The mystery can never be unveiled. As already said, not a trace of it exists in his most confidential writings, unless he alluded to the public proceedings in Virginia and Kentucky. If he alluded to them, the circumstances demonstrate his insincerity. And whatever his sincerity or insincerity, no fact in history can be better established by that negative proof which is alone attainable in such cases, than that at the moment he wrote Jay, not a thought was or had been entertained by any branch of the Republican party of an attempt to seize on the Government by armed force.

Hamilton's proposition, had it been adopted, would, however, beyond all reasonable question, have at once precipitated the final and decisive act of that "crisis" which he declared to Jay and others, then existed and "warranted" a departure

<sup>1</sup> See ante, p. 515.

from the "scruples of delicacy and propriety as relative to a common course of things"—which rendered it dangerous "to be over-scrupulous." Had the Republicans, believing that the Constitution had been subverted in great and essential particulars, been also helplessly prevented from obtaining the legal and regular remedy of the ballot-box by the disfranchisement of one State, without a color of equity, and by a gross fraud in another—had they seen by these means an illegal and dreaded Administration kept in power, with such a General-in-Chief of the army as the present one to execute its bidding—we imagine there can be no reasonable doubt that they would have refused to submit to the usurpation. Little as they meditated violence, we shall soon see that they were resolved in the last resort to protect the Constitution from violence.

Did General Hamilton contemplate that such results would flow from the adoption of his plan? With his South American visions fading away—with a political overthrow impending which he could not but anticipate would prove a final one to himself, if not to his party—with the truncheon of military command about to be wrenched forever from his grasp<sup>1</sup>—was he willing to seize upon this last opportunity for bringing on that kind of arbitration to which Gouverneur Morris confesses he ever looked forward as something not only inevitable but desirable? Morris declared that Hamilton "hated Republican government"—that he was a monarchist—that he assented to the Constitution only as a temporary band.<sup>2</sup> And five months after pronouncing the funeral oration over Hamilton's corpse (and about four years after the circumstances we are describing) Morris uttered these memorable words: "He [Hamilton] knew that his favorite form [of government] was inadmissible, unless as the result of civil war; and I suspect that his belief in that which he called an approaching crisis arose from a conviction that the kind of government most suitable in his opinion to this extensive country, could be established in no other way."<sup>3</sup>

We do not propose to answer the question we have asked, whether Hamilton's proposition to Jay was made in the hope

<sup>1</sup> If Jefferson was elected, he would not of course leave Hamilton in any practical command which he believed dangerous to the country.

<sup>2</sup> Morris to Robert Walsh, February 5th, 1811. (See ante, vol. i. p. 580.)

<sup>3</sup> Morris to Aaron Ogden, December 28th, 1804. (See ante, vol. i. p. 580.)



and expectation that it would lead to this long anticipated arbitrament—whether the charge of an attempt at military revolution against opponents was not merely raised in advance as the pretence on which an outbreak of popular discontent was to be met by an illegal and usurping Government, and by the commander of its military forces.' We leave General Hamilton, in respect to this subject, to the testimony of himself and his friends, and to the calm judgment of a later posterity.

Failing to convince Governor Jay that there was anything in the juncture which justified unscrupulousness in official action, or that it would be right to resort to dangerous means to keep supposed dangerous men out of office,<sup>9</sup> Hamilton soon after made a tour of New England, to carry out his purpose of elevating Pinckney over Adams. He wrote Wolcott the day after his return, that the "leaders of the first class were generally right, but the leaders of the second class were too much disposed to be wrong"—that "it was essential to inform the most discreet of this description of the facts which denoted unfitness in Mr. Adams"—that "he had promised confidential friends a correct statement." He therefore called upon Wolcott for an exact and detailed history of the mission to France. The letter contains the following further passage:

"I have serious thoughts of writing the President to tell him that I have heard of his having repeatedly mentioned the existence of a British faction in this country, and alluded to me as one of that faction, requesting that he will inform me of the truth of this information, and if true, what have been the grounds of the suggestion. His friends are industrious in propagating the idea to defeat the efforts to unite for Pinckney. The inquiry I propose may furnish an antidote and vindicate

It may be asked what less than half a dozen regiments of regulars could do towards effecting a military revolution? Little, unquestionably, of themselves. But they could be made the nucleus for rapid accessions by those in possession of the Government. They could effect no little of themselves, in striking early blows, where the people were divided, and hesitating as to taking up arms against the Government *de facto*. The military fortifications of the country, the army supplies already provided, the navy, and all the organs of Government, would be on the same side. The responsibility of the attack would be thrown on the opposite party, because the usurpation would be made under color of law and legislative sanction. This last consideration would, of itself, weigh more than a powerful army. Still, we entertain no belief that general submission could have been enforced to a usurping Government, or to that new system which, in the panic and frenzy of such an hour, might have been substituted for that established by the Constitution. But that the expectation was chimerical, would prove nothing towards settling the question raised in the text. There was nothing certainly so chimerical in the idea as in Hamilton's "Thorough" in 1799—as in his South American dreams—as in the whole tissue of his plans in 1799 and 1800—the relation of which we have not yet completed. But whether the project was chimerical or not, we offer no testimony in the premises except his own, and that of his most trusted friend.

<sup>9</sup> It is a great misfortune that Mr. Jay's written answer is lost, if he ever made one.

character. What think you of this idea? For my part, I can set malice at defiance."<sup>1</sup>

Wolcott approved of the attack and the pretext, and promptly promised his aid.<sup>2</sup>

On the 1st of August, Hamilton dispatched his cartel to the President,<sup>3</sup> and received no answer. On the 3d he informed Wolcott that "he waited with impatience for the statement of facts which he promised him." He added:

"I have serious thoughts of giving to the public my opinion respecting Mr. Adams, with my reasons, in a letter to a friend with my signature. This seems to me the most authentic way of conveying the information, and best suited to the plain dealing of my character. There are, however, reasons against it; and a very strong one is, that some of the principal causes of my disapprobation proceed from yourself, and other members of the Administration, who would be understood to be the sources of my information, whatever cover I might give the thing. What say you to this measure? I could predicate it on the fact that I am abused by the friends of Mr. Adams, who ascribe my opposition to pique and disappointment; and I could give it the shape of a *defence of myself*."<sup>4</sup>

Wolcott also had a "plain dealing of character" which it was necessary to vindicate. He knew, he said, he might be called "factions," but he preferred even that to "the imputation of being concerned in a secret cabal," and especially to the "suspicion of cunning!"

"Prick'd to it by foolish honesty and love,  
He would go on."

He answered Hamilton (September 3d):

"I had commenced the statement which I had promised, and soon found myself embarrassed with the reflection which has occurred to you. . . . It is, as I conceive, perfectly proper, and a duty, to make known those defects and errors which disqualify Mr. Adams for the great trust with which he is now invested; but the publication of particular incidents and conversations, the knowledge of which had resulted from official relations, will, by many good men, be considered as improper. . . . But the situation in which we are both placed is delicate and somewhat perplexing. Whatever you may say or write, will, by a class of people, be attributed to personal resentment; while it will be said that the President has not injured me; that he has borne with my open disapprobation of his measures, and that I ought not to oppose his reelection by disclosing what some will term personal or official secrets.

<sup>1</sup> Hamilton's Works, vol. vi. p. 444.

<sup>2</sup> Ib. p. 447.

<sup>3</sup> Ib. p. 449.

<sup>4</sup> Italicized in original. Hamilton's Works, vol. vi. p. 450. This letter was dated two days after the cartel to Mr. Adams, and therefore before an answer to the latter could have been received.

"Having reflected on the dilemma, I have concluded that, as it respects myself, I was justifiable in continuing in office during the present year,<sup>1</sup> on the ground of the sudden innovations in the Administration, which afforded me no opportunity for reflection before the termination of the last session of Congress; that the unsettled state of two of the departments, the removal of the offices to this place, the absence of the President from the seat of Government, and the duty of preserving order in a branch of business which has been committed to my care, were circumstances which should justly dissuade me from an abrupt resignation, while they left me free to exercise my opinion and my rights as an individual upon any question relative to the public policy and interest.<sup>2</sup> To secure myself from the imputation of being concerned in a secret cabal, I have, however, thought it my duty to express my opinions and intentions frankly to my colleagues, in the same manner as I have done to my private correspondents. I am apprised that I shall by some be considered as factious; but the accusation is less offensive than the suspicion of cunning, or suberviency to measures which I seriously disapprove, and to which I should otherwise be opposed."<sup>3</sup>

What the writer of this letter means by saying that he has felt it his duty to express his opinions and "intentions frankly to his colleagues" appears enigmatical. Does any one believe

<sup>1</sup> Mr. Wolcott might have adduced high authority:

*Iago.* Now, sir, be judge yourself,  
Whether I in any just term am affin'd  
To love the Moor.  
*Roderigo.* I would not follow him then.  
*Iago.* Oh, sir, content you;  
I follow him to serve my turn upon him:  
We cannot all be masters, nor all masters  
Cannot be truly follow'd. You shall mark  
Many a duteous and knee-crooking knave,  
That, doting on his own obsequious bondage,  
Wears out his time, much like his master's ass,  
For naught but provender; and, when he's old, cashier'd;  
Whip me such honest knaves. Others there are,  
Who, trimm'd in forms and visages of duty,  
Keep yet their hearts attending on themselves;  
And, throwing but shows of service on their lords,  
Do well thrive by them, and, when they have lined their coats,  
Do themselves homage: these fellows have some soul;  
And such a one do I profess myself,  
For, sir,  
It is as sure as you are Roderigo,  
Were I the Moor, I would not be Iago:  
In following him, I follow but myself;  
Heaven is my judge, not I for love and duty  
But seeming so, for my peculiar end:  
For when my outward action doth demonstrate  
The native act and figure of my heart  
In compliment extern, 'tis not long after  
But I will wear my heart upon my sleeve  
For daws to peck at: I am not what I am.

<sup>2</sup> Mr. Wolcott again neglected a precedent:

*Iago.* Good, my lord, pardon me;  
Though I am bound to every act of duty,  
I am not bound to that all slaves are free to.  
Utter my thoughts? Why, say, they are vile and false,—  
As where's that palace, whereunto foul things  
Sometimes intrude not?

<sup>3</sup> This letter is given entire in Gibbs's Memoirs, etc., vol. ii. p. 416. Mr. Gibbs omits Hamilton's letter of August 3d, to which this is a reply. We take it for granted that it was not in his possession. Hamilton's Works omit Wolcott's answer.

that he informed Marshall, or Dexter, or Stoddert, or Lee, that he was secretly furnishing materials for an attack on his and their principal, for the purpose of defeating his reelection ?<sup>1</sup>

In one particular Wolcott was magnanimous. He thought "the publication of particular incidents and conversations, the knowledge of which had resulted from official relations, would, by many good men, be considered improper." There was another material circumstance attending their publication. They could be traced home at once to the "official" informer ! He availed himself, however, throughout his long tissue of subsequent revelations, of facts which were made more familiar and accessible to him than to other men by his official relations, and by Mr. Adams's personal confidence in him. And the only limits he placed on his disclosures were those required to avoid detection.<sup>2</sup>

Pickering and, we regret to add, McHenry, joined in furnishing materials, obtained through their former official relations with the President, for the deadly attack preparing on him.

No one will contend that an official or personal friend has a right, on becoming an enemy, even for good cause, to take advantage of the confidences which grew out of former relations, for the purpose of inflicting a personal injury. Their conduct, however, was excusable compared with Wolcott's. They did not drive this last stab into a confiding victim. They were not yet daily meeting the President in the official and family circle with all that apparent "warm-heartedness and bonhomie" which distinguished Wolcott's manners.<sup>3</sup> Even Pickering's disclosure of a purposed nomination in order to defeat it, lacked the cold-blooded and protracted dissimulation which required months to effect its object.

How far a high government official and political leader on

<sup>1</sup> Wolcott could conceive of an equivoke. His letter to Ames at the opening of the sixth Congress contained, it will be remembered, the following passage :

"It was of course necessary to appear to approve of the mission, and yet to express the approbation in such terms as, when critically analyzed, should amount to no approbation at all !"

There can be no doubt, however, that next to the "suspicion of cunning" in himself, the Secretary of the Treasury despised cunning in other men. He wrote McHenry, August 26th, 1800 :

"Stoddert's pain in the side continues to be troublesome. I think our removal here [to Washington] has made it worse. His case is pretty well understood, even by our new colleagues, to be miserable. Cunning, like murder, will out." (See Gibbs's Memoirs, etc., vol. ii. p. 410.)

<sup>2</sup> One of Wolcott's revelations to Hamilton strikes us as amusing : namely, that at New Haven the President had said to a person of great respectability, that this country could not get along without a hereditary chief. "What necessity," exclaims the Secretary, "of saying these things if he thought so." (See Gibbs's Memoirs, etc., vol. ii. pp 417, 418.)

<sup>3</sup> This is Mr. Gibbs's description of them.

the same side, who had never been in the President's Cabinet—nay, how far a private gentleman, whether a political friend or foe of the President—had a right in morality and honor to instigate such a treachery, and deliberately avail himself of its fruits, we leave others to decide.

The plot went on; and the correspondence between the widening circle of confederates presents a curious historical study. Wolcott, all treaced over with "warm-heartedness and bonhomie," wrote Hamilton that "certain Federalists were in danger of losing character in the delicate point of sincerity."<sup>1</sup> Ames, while conjuring Hamilton to avoid an exposure of his personal agency—lamenting the "awkward and embarrassing" "constraints" under which they were acting—exclaimed, through his tears, "but sincerity will do much to extricate us!"<sup>2</sup> Cabot felt the "apparent absurdity" of their "dilemma," in pretending to support a man whom "they knew to be unworthy of trust," but he contented himself with laying it all at the door of the "proceedings [Federal nominating caucus] at Philadelphia," or to the "mode of election."<sup>3</sup> Goodhue wrote the Chief that "he abominated the hypocritical part they had been necessitated to act."<sup>4</sup> Stockton thought there was no doubt Mr. Pinckney would be the first choice of the New Jersey Federal electors if chosen, but he thought it would not do to "drop and oppose" Mr. Adams. He believed it would lead to the defeat of those electors. He said:

"It is natural that this should be our condition; the majority of the Legislature are men to whom confidential communications cannot be made; you have seen and know the description of men we have in these stations. They have looked up to a few men to direct them in federal politics. These men [the Federal leaders] have for four years been holding up Mr. A. [Adams] as one of the wisest and firmest men in the United States. What reason could be given for so sudden a change of sentiment? Is there any other reason which could be avowed to such men, of a public nature, but the removal of Mr. P. [Pickering]? . . . It would never be believed but that this [the French] Treaty formed the true objection; that the Federalists, wishing war with France, opposed him, because he had made peace with that nation on honorable terms."<sup>5</sup>

<sup>1</sup> Hamilton's Works, vol. vi. p. 475.

<sup>2</sup> *Ib.* p. 464.

<sup>3</sup> He said, "perhaps it is a natural result of the mode of election, and could not have been avoided!" He thought, however, Mr. Adams could not be discarded as a candidate at so late a period, without "total derangement and defeat in this [Massachusetts] quarter." But his letter shows, nevertheless, that he was quite willing to see Mr. Adams reduced to the second place, and that he approved of Hamilton's preparing *exposé*. (See Hamilton's Works, vol. vi. p. 460, *et seq.*)

<sup>4</sup> *Ibid.* p. 478.

<sup>5</sup> Gibbs's Memoirs, etc., vol. II. p. 375.

But it was reserved for the weak hand of McHenry, when he was carried back by a paroxysm of excitement to the better feelings of days which had preceded the tutorings of the Wolcotts and Pickerings, to draw a picture of his fellow-Hamiltonians and their occupations at this period, which in vigor of delineation and coloring has never been equalled :

"Have our party shown that they possess the necessary skill and courage to deserve to be continued to govern? What have they done? They did not (with a few exceptions), knowing the disease, the man and his nature, meet it, when it first appeared, like wise and resolute patriots; they tampered with it, and thought of palliations down to the last day of the late session of Congress. Nay, their conduct even now, notwithstanding the consequences full in their view (should the present chief be elected), in most, if not in all of the States, is tremulous, timid, feeble, deceptive, and cowardly. They write private letters. To whom? To each other. But they do nothing to give a proper direction to the public mind. They observe, even in their conversation, a discreet circumspection generally, ill calculated to diffuse information, or prepare the mass of the people for the result. They meditate in private. Can good come out of such a system? If the party recovers its pristine energy and splendor, shall I ascribe it to such cunning, paltry, indecisive, back-door conduct?"<sup>1</sup>

When the production which had cost so much labor and correspondence between Hamilton and his followers was completed, he had it printed for private distribution under the caption of "The public conduct and character of John Adams, Esq., President of the United States."

It had scarcely appeared, before Aaron Burr—the Republican Vice-Presidential candidate—had a copy of it in his hands. His biographer and *eidolon* in political morality, Mr. Davis, admits this, and his own complicity in getting it printed in part in a distant paper (the New London Bee); but he does not descend to particulars.\* When a fraud was to be boasted of, this was remarkable, and tends strongly to the suspicion that somebody had been the proximate actor in securing a copy of the paper, to whom silence had been stipulated under very stringent conditions. The fact that the substance of Hamilton's letter to Jay (in regard to reconvening the Legislature of New York) appeared in the Aurora before the letter was sent, is a link in this same chain of mystery.

Aaron Burr was the perfect master of petty intrigue; and

<sup>1</sup> This letter is dated July 22, 1800. (See Gibbe's Memoirs, etc., vol. II. p. 384.) McHenry states in this letter that "Mr. Harper is now clearly of opinion that General Placemey ought to be preferred."

\* Memoirs of Aaron Burr by Matthew L. Davis, vol. II. p. 66.

always had in his interest a motley band of scouts and spies (male and female), many of whom would not have probably hesitated to purloin an exposed political paper; and Hamilton was adapted by a variety of circumstances, to be made his easy and frequent victim. With some curious filaments of unwritten history (traditions of New York city) floating in our memory, connected with the facts above named, we have been inclined to suspect that more of Hamilton's secrets than any one has ever dreamed of, were in possession of Burr, fully as soon as they were in that of his own most intimate friends.

The parts of Hamilton's paper which appeared in the Bee, required the publication of the remainder; so that the whole production came before the world.<sup>1</sup>

This is not the place for either a synopsis or review of this long document. It claimed weighty provocations for its preparation—that the “author had been assured from respectable authorities Mr. Adams had repeatedly indulged himself in virulent, indecent abuse of him”—“had denominated him a man destitute of every moral principle”—“had stigmatized him as the leader of a British faction,” etc.

In respect to the last charge, Hamilton declared it “shocking to an ingenuous mind to have to combat a slander so vile”—that “he was able to show that his conduct had uniformly given the lie to it!”

He then uttered this unqualified assertion :

“I never advised any connection with Great Britain other than a commercial one; and in this I never advocated the giving to her any privilege or advantage which was not to be imparted to other nations. With regard to her pretensions as a belligerent power in relation to neutrals, my opinions while in the Administration, to the best of my recollection, coincided with those of Mr. Jefferson,” etc.<sup>2</sup>

<sup>1</sup> The paper was either dated or published October 22d, we forget which.

<sup>2</sup> Mr. Adams was a much better Puritan in his morals than his religious creed, and had no scruples of delicacy about carrying the war against this enemy into Africa, on grounds of personal morality. We suppose that it is true that, before or after Hamilton's attack, he repeatedly alluded with stinging severity to a matter made the subject of an extraordinary pamphlet, published that year under the following caption :

“Observations on certain documents contained in Nos. 5 and 6 of the History of the United States, for the year 1796, in which the charge of speculation against Alexander Hamilton, late Secretary of the Treasury, is fully refuted, written by himself. Philadelphia. Printed *pro bono publico*, 1800.”

It is perhaps worth mentioning that we have failed to observe the most remote allusion to this pamphlet, or the subject-matter of it, in any part of Mr. Jefferson's writings. Those who lived under the same roof with him for upwards of twenty years, and who often heard him discuss Hamilton's public and personal character (even with Colonel Monroe!), never heard the faintest allusion of the kind.

<sup>3</sup> See Hamilton's Works, vol. vii. p. 722. The tone of the entire paragraph deserves attention, but we have not room for it.

Wolcott's instinct of safety was keener than Hamilton's. The latter had submitted the draft of the paper to him before publication, and on the first of the above declarations Wolcott made the following commentary :

"I have no reason to doubt the correctness of this declaration as you mean to be understood; but it will be well to reflect whether you have not advised some connection with England, with the view of prosecuting joint hostilities with France. If so, the declaration ought to be properly qualified."<sup>1</sup>

Thereupon Hamilton appended the following foot-note to his original statement :

"I mean a lasting connection. From what I recollect of the train of my ideas, it is possible I may at some time have suggested a temporary connection for the purpose of coöperating against France, in the event of a definitive rupture; but of this I am not certain, as I well remember that the expediency of the measure was always problematical in my mind, and that I have occasionally discouraged it."<sup>2</sup>

We are then to suppose that even after this pointed reminder by a confederate, General Hamilton had wholly forgotten his stupendous South American schemes to be carried on in "connection with Great Britain"—his arrangement with Mr. Pitt in

<sup>1</sup> See Hamilton's Works, vol. vi. p. 473.

<sup>2</sup> Some other assertions contained in the paper should be read in the same connection. After mentioning that subsequent to the rejection of Mr. Pinckney by the Government of France, the writer had urged the appointment of three Commissioners, Mr. Jefferson or Mr. Madison to be one, to make another attempt to negotiate, he proceeds to say, as if expressing his feelings thenceforth down to the period of his writing (in 1800):

"In fine, I have been disposed to go greater lengths to avoid rupture with France than with Great Britain; to make greater sacrifices for reconciliation with the former than with the latter."

"Let any fair man pronounce, whether the circumstances which have been disclosed bespeak the partisan of Great Britain or the man exclusively devoted to the interests of this country. Let any delicate man decide whether it must not be shocking to an ingenuous mind, to have to combat a slander so vile, after having sacrificed the interests of his family, and devoted the best part of his life to the service of that country, in counsel and in the field."

It will be found throughout this whole paper that in every minute point of his conduct where he had leaned to a liberal line of policy towards France and towards his political adversaries at home—or where he had occasionally resisted the pretensions of England (as in the matter of Jay's treaty)—General Hamilton's memory had suffered no lapses!

But the document does not, perhaps, contain any more remarkable sentences than the following. We preserve the original italicization :

"The circumstances of my late military situation have much less to do with my personal discontent than some others. In respect to them, I shall only say, that I owed my appointment to the station and rank I held, to the *express stipulation* of General Washington, when he accepted the command of the army, afterwards *peremptorily insisted upon* by him, in *opposition to the strong wishes* of the President; and that, though second in rank, I was not promoted to the first place, when it became vacant by the death of the Commander-in-Chief. As to the former, I should have no cause to complain, if there had not been an apparent inconsistency in the measures of the President; if he had not nominated me *first* on the list of Major-Generals, and attempted, afterwards, to place me *third*."

After reading this let the reader consult the documents referred to at p. 422 of this volume.



regard to the command of the expedition—his correspondence with Miranda—his correspondence with King—his letters to Gunn and Otis, pointing out the necessary preparations and avowing the object—which things had extended to a period within a few months, and all of which had occurred within two or three years; or that he only, after an effort, remembered them so vaguely, that “he was not certain” of, and continued most decidedly to mistake their true character.

And condescending to invoke a degree of shelter from the authority of Mr. Jefferson's name, General Hamilton had forgotten that he and the former had ever disagreed in regard to the pretensions of England in relation to neutrals—wholly forgotten, for example, the difference of their views in regard to complying with the demand of the British Minister for the restitution by the United States of the prizes made by French privateers, fitted out in Charleston, in 1793.

The effect of Hamilton's pamphlet on the public mind was what was to have been expected. It encouraged the Republicans, and it threw the brand of dissension among their opponents. The moderate Federalists to a man condemned it, and among the ultra-Federalists, or Hamiltonians, criticisms were freely indulged in respect to both its expediency and its temper.

The venerable Charles Carroll of Carrollton, a most ardent Federalist, and deeply alarmed by “the turbulent and disorganizing spirit of Jacobinism, under the worn-out disguise of equal liberty and right, and equal division of property, held out to the indolent and needy,”<sup>1</sup> approved of Hamilton's pamphlet; but he wrote McHenry that “all with whom he had conversed, blamed Mr. Hamilton, and considered his publication ill-timed.”

Cabot informed Hamilton that all his “friends were dismayed,” and he subsequently added: “all agree that the execution is masterly; but I am bound to tell you that you are accused by respectable men of egotism, and some very worthy

<sup>1</sup> See Carroll to Hamilton, *Hamilton's Works*, vol. vi. p. 467. The whole correspondence of this excellent man, at this period, shows that he had great apprehensions of Mr. Jefferson and the Republican party. He had once, he says, seen a letter from Jefferson, which contained this strange statement, “that to preserve the liberties of a people, a revolution once in a century was necessary.” The reader will remember that Mr. Jefferson repeatedly uttered this sentiment, at the period of “Shay's rebellion,” he then being Minister in France—only, we believe, the proper space between rebellions was placed by him at a much shorter period! Mr. Carroll thought if a man so “theoretical and fanciful” was elected President, “the consequences to this country might be dreadful.” (See his letter to Hamilton, April 18th, 1800. *Hamilton's Works*, vol. vi. p. 434.)

and sensible men say you have exhibited the same vanity in your book, which you charge as a dangerous quality and great weakness in Mr. Adams."<sup>1</sup>

The Republican newspapers did not, of course, fail to profit by these divisions among their opponents. They attacked the President for what he had done, the commander of the army for what he proposed to do. Mr. Adams was then held responsible by the public for most of Hamilton's political progeny; but still the tide of Republican sympathy was in his favor, as between the two. He who seeks his enemy's life in the battle's front, feels compassion when he sees him stricken down from behind. Or if he lacks this degree of magnanimity, the instinct of humanity teaches him to dread and detest the treachery, which, if tolerated under any pretences, would shatter all the bonds of moral obligation and leave no man safe in any position this side the grave.

It is a wonder that the popular sympathy was not keener, when the previous public and private careers of Adams and Hamilton rose in review, to institute that comparison which the latter haughtily challenged in his paper. But the fury of the partisan fray leaves scarcely so much of mercy or magnanimity in the bosom as does the physical combat, where life instead of the success of opinions is at stake. And probably Mr. Adams's opponents felt that, like a Wallenstein, he met a not undeserved fate, though it might not be deserved at the hands of those who dealt the blow.

Hamilton's disavowals of all English leanings in his previous line of foreign policy were regarded and commented on by the Republicans with scornful incredulity—though they knew nothing of his *forgotten* South American projects. Their fire became so close and embarrassing, that he meditated coming forward with a public defence, and summoning ex-Secretary Pickering as a compurgator.<sup>2</sup> Shrewd Wolcott probably thought enough had already been said on the subject. He had a sufficient specimen before him of the success of General Hamilton's auto-biographical public letters. From some quarter, or by his own second thought, the latter was persuaded to forego his design.

And here we will for a time drop the curtain over this

<sup>1</sup> See Hamilton's Works, vol. vi. p. 482.

<sup>2</sup> Ibid. vol. vi. pp. 477, 484.

broken host, and its leaders desperately grappling with each other, on the verge of the decisive engagement, to cast our eyes over the Republican lines, advancing in perfect array, with quick step and trumpets ringing notes of joyous confidence.

We have little to relate. No strange incidents had marked their progress since the Presidential caucus. They had but one leader, and all gladly acknowledged him. It was afterwards believed that Burr set on foot some machinations to do for himself what Hamilton was laboring to do for Pinckney; but if this was so, he relied on means so stealthy that they were not confided to beyond a mere handful of instruments; he affected devotion to his chief, and consequently he did not in the least break in upon the order and harmony of party movement. And, first, what were the occupations of the Republican candidate for the chief magistracy?

Mr. Jefferson spent the entire summer of 1800 in close retirement. By his daily memoranda, lying under our eye, we are authorized to say that, from the time he reached home after the adjournment of Congress in the spring until his return to it in the fall, after the election, he was but twice absent from home further than Charlottesville—once to a more remote point in the same county, and once on a short visit to his Bedford estate. We find him particularly busy throughout this season in farming occupations, in his little nail factory, and in burning bricks for completing his house.

In running our eye over the various current memoranda, we find a couple which may interest the curious reader. The first shows Mr. Jefferson's annual contribution to the direct United States tax on one of his estates.

*Taxes to the United States, in Albemarle, 1800.*

4564 acres of land at \$5 00 (.384 per \$100)	\$87 62
222 " " 1 00 . . . .	85
196 " " 1 00 . . . .	75
400 " " 2 40 . . . .	3 07
400 " " 3 00 . . . .	4 60
4 " " 15 00 . . . .	23
1 House " 6000 00 . . . .	30 00
65 Negroes . . . . .	32 50
1 Phaeton . . . . .	9 00
	<hr/>
	\$168 62

And here we have the census of his family (in Albemarle) as given the same year :

Males, free whites under 10	2	Females, do 2=4	
“ of 10 and under 16	1	“	0=1
“ “ 16 and under 26	3	“	1=4
“ “ 26 and under 45	1	“	0=1
“ “ 45 and upwards	1	“	0=1
Slaves . . . . .			98
			<hr/> 104

The account-book, the farm-book, etc., give their usual details. The stagnation of commerce had reached the planters of Virginia as well as the mercantile class of the cities. Markets were dull. Mr. Jefferson's tobacco crop of the preceding year remained unsold.

The following letter gives a sufficient glimpse of farm matters for the season :

TO MARIA JEFFERSON EPPES, MONT BLANCO.

MONTICELLO, July 4, 1800.

MY DEAR MARIA :

We have heard not a word of you since the moment you left us. I hope you had a safe and pleasant journey. The rains which began to fall here the next day gave me uneasiness lest they should have overtaken you also. Dr. and Mrs. Bache have been with us till the day before yesterday. Mrs. Monroe is now in our neighborhood to continue during the sickly months. Our forte-piano arrived a day or two after you left us. It has been exposed to a great deal of rain, but being well covered was only much untuned. I have given it a poor tuning. It is the delight of the family, and all pronounce what your choice will be. Your sister does not hesitate to prefer it to any harpsichord she ever saw except her own. And it is easy to see it is only the celestini which retains that preference. It is as easily tuned as a spinette, and will not need it half as often. Our harvest has been a very fine one. I finish to-day. It is the heaviest crop of wheat I ever had.

A murder in our neighborhood is the theme of its present conversation. George Carter shot Birch of Charlottesville, in his own door, and on very slight provocation. He died in a few minutes. The examining court meets to-morrow.

As your harvest must be over as soon as ours, we hope to see Mr. Eppes and yourself. All are well here except Ellen, who is rather drooping than sick; and all are impatient to see you—no one so much as he whose happiness is wrapped up in yours. My affections to Mr. Eppes, and tenderest love to yourself. Hasten to us. Adieu.

TH. JEFFERSON.

We have sharply inspected the minute pocket account-book of the year (where every expense, from the purchase of a farm to dropping a penny into a charity box, went down with inex

orable method) for evidences that a fierce election campaign was raging. We find fifty dollars "paid Callender;" and this is the only expenditure which carries any appearance of a political *douceur*. There are a few entries of trifling payments which do not explain themselves. They may therefore have been for political objects, but the names, and other accompaniments, do not lead us to that inference. Mr. Jefferson made one journey to Charlottesville, on a week day,<sup>1</sup> which cost him precisely "a shilling." In his further trip in the county, already mentioned, he expended "a dollar." In going to Bedford and returning, his expenses foot up at something less than ten dollars. This shows, at least, that Presidential candidates were not followed about at that day by crowds eating and drinking at their expense, or by troops of political mendicants extorting money on one pretence or another.

There are, however, more newspapers charged than usual. We find no payments for other publications. We believe we are authorized to say that his political expenses were not larger than if he had not been a Presidential candidate, unless in the unimportant item of newspapers.

These are very insignificant facts in themselves considered; but they will be interesting to those who are familiar with the fashions which have been introduced (though perhaps less directly into Presidential elections than some others) by that thoughtless or corrupt profusion of candidates and their friends, which has established (in some localities) a class of swindling parasites who fasten themselves on candidates for important offices, and under one pretence or another of "legitimate election expenses," contrive more than to subtract their salaries in advance—and what is worse, make them contributors to what they cannot but suspect, however resolutely they avert their eyes, is a bribe, or wholly improper *douceur* wrapped up in a thin disguise.

We have no doubt that Mr. Adams and Mr. Pinckney could have shown as clean a record as Mr. Jefferson in this particular. They had the support of the old train-bands of the Treasury department—the men who had been enriched by the frauds under the Assumption, under bills to pay North Carolina and Virginia soldiers, etc. But Mr. Adams was personally a pure

<sup>1</sup> He also attended church there on Sunday.

man in all respects. And if General Charles Cotesworth Pinckney ever in public or private life acted otherwise than as a manly, pure, and high-toned politician, patriot and gentleman, we have failed to discover a solitary evidence of the fact.<sup>1</sup>

There is the usual long hiatus in Mr. Jefferson's summer correspondence—but three letters being preserved in his files between the adjournment of Congress in May, and its reassembling in November, 1800; and it would be supposed that if a prudent man felt it worth his while to keep copies of any of his letters, it would be of his political ones on the eve of an election—for certainly none others would be more likely to be afterwards misunderstood or misrepresented.

One of these letters, addressed to Uriah McGregory, of Connecticut, alluded to a statement made by "the Rev. Cotton Mather Smith, of Shena," publicly in his pulpit, that Mr. Jefferson "had obtained his property by fraud and robbery; that in one instance, he had defrauded and robbed a widow and fatherless children of an estate to which he was executor, of ten thousand pounds sterling, by keeping the property and paying them in money at the nominal rate, when it was worth no more than forty for one; and that all this could be proved."

This went beyond Cobbet! He averred that Mr. Jefferson had obtained his property by cheating British creditors.

A good deal more virulence was exhibited towards Jefferson by the Federalists in New England than elsewhere; and the "apostolic blows and knocks" on his private character, much exceeded in frequency and severity those of the lay champions of the press, and of political haranguers out of the pulpit. One distinguished divine drew a long and labored parallel between him and the wicked Rehoboam; and the "sermon" was printed and distributed throughout the land. It is probable that in more than half the pulpits in New England he was publicly (either directly or by innuendo broad enough for the dullest to understand) stigmatized in "sermons" preached on Sunday, as an "atheist," or "French infidel," and the people were exhorted as they feared God or valued their own safety and religious freedom, to vote against so impious a wretch.

<sup>1</sup> We think this remark applies fairly to nearly all the leading South Carolina Federalists. Hamilton's mouth-piece, "Phocion Smith," was accused of being one of the greediest of the "Treasury Squad;" but the whole family of the Pluckneys, the Rutledges, the Hegers, etc., were men above personal suspicion.

The "drum ecclesiastic" was also beaten to some extent in New York, where New England emigration had carried the spirit of hierocracy—a disposition in the clergy to control, and a willingness in the people to submit to their control, in a considerable class of secular affairs.

The Reverend Doctor John M. Mason, of the city of New York—the particular friend of General Hamilton—published a pamphlet in September (1800), entitled, "The voice of Warning to Christians on the ensuing Election;" and as it is republished in his collected Works, we are to infer it was intended as a contribution to permanent history—or rather for the preservation of statements and arguments designed to influence the conclusions of history in regard to the subject of his attack.

Dr. Mason informed his readers that the belief of Mr. Jefferson's infidelity had for years been uniform and strong; but that now, "happily for truth and for us, Mr. Jefferson had written and he had printed." The publication thus referred to was the Notes on Virginia; and he proceeded to show wherein, in several particulars, that production directly attacked the authenticity of the Scriptures.<sup>1</sup>

Dr. Mason declared that Mazzei (name of ill omen to Jefferson) told a Rev. Mr. Smith that on once expressing his surprise at the ruinous condition of a church to Jefferson, the latter replied: "It is good enough for him who was born in a manger." The Doctor said "some of Mr. Jefferson's friends had been desperate enough to challenge this anecdote as a calumny fabricated for electioneering purposes." But he had it himself from the Rev. Mr. Smith, and he has no idea that Mazzei would have been guilty of "trumping up a deliberate lie" against a brother infidel. If anything more was wanting it would be proved by "his [Jefferson's] solicitude for wresting the Bible from the hands of their children—his notoriously unchristian character—his disregard of all the evidences of divine worship—his utter and open contempt of the Lord's day," etc. Lastly, he pronounced stern maranatha on the man "who writes against the truths of God's word; who makes not even a profession of Christianity; who is without Sabbaths; without the sanctuary; without so much as a decent external respect for the faith and worship of Christians."

<sup>1</sup> The arguments on these heads deserve attention; and we will present them, with some comments, in the APPENDIX. (See APPENDIX, No. 18.)

Dr. John M. Mason was a learned, able, and devout man; would have belied no man intentionally; and is only a specimen of the danger of getting out of one's province—of drabbling the clerical cassock in the dirty pools of politics. We present his statements as illustrations of the spirit of the times, selecting them rather than others because he is a well-known man, and because his production has been perpetuated where it will enter theological libraries for generations to come.<sup>1</sup>

And it is proper that the reader understand how that personal dislike, as it may be called, first seriously commenced between Mr. Jefferson and certain churches, which was not destined to die away during the lives of the existing generation. He always attributed the wide spread and vehement attack they made on him to his agency in overthrowing the church establishment of Virginia. Whether this cause had any weight every one can form his own conclusion; but we must keep in view two or three facts. Neither the doctrines nor the practical result of the Virginia "Act for religious freedom" then generally prevailed. Establishments still existed, and good men still believed that they were absolutely requisite for the proper support of teachers of religion. It was still common in some quarters for politicians to laud church establishments—a pretty sure indication that they were yet regarded as popular in the community.<sup>2</sup> It certainly, then, was not a wild and far-fetched inference that the prominent example and precedent of abolishing hierarchy in Virginia had drawn on the head of its author the enmity of such religious denominations as elsewhere continued

<sup>1</sup> It is placed in juxtaposition with a discourse on Hamilton abounding in the most fervid eulogy.

<sup>2</sup> "Phocion Smith" (William Smith, of South Carolina) published a pamphlet of personal and oftentimes scurrilous assault on Mr. Jefferson, which contained the following passages:

"The act for establishing religious freedom in Virginia (the necessity for which is not very obvious) has been much extolled by Mr. Jefferson's panegyrists. I ask them, what good effects has it produced? Does religion flourish in Virginia more than it did, or more than in the Eastern States? Is public worship better attended? Are the ministers of the gospel better supported than in the Eastern States?"

"That act, which is nearly all preamble, setting forth a series of principles, some of which are proved by late experience in France to be very questionable, has, in my opinion, an immediate tendency to produce a total disregard to public worship, an absolute indifference to all religion whatever. It states among other things, 'that we ought not to be obliged to support even the ministers of our own religious persuasion, and that our civil rights have no more dependence on our religious opinions, than on our opinions in physic or geometry.' The act then declares, that no man shall be compelled to frequent or support any religious worship or minister whatever, and that all men shall be free to profess, and by argument to maintain their opinions, in matters of religion, without diminishing their civil capacities."

"What a conformity do we find between the sentiments of Mr. Jefferson, in matters of religion, and those of Tom Paine!"



to uphold hierarchal establishments. To be consistent, such men must consider him practically a foe of religion, influenced by a fatal delusion, or by hatred of Christianity.

Jefferson wrote Dr. Rush the same month that Dr. Mason's pamphlet was published, and we judge in allusion to it, that the late attack on the freedom of the press (the Sedition Law made under the influence of "the XYZ delusion") "had given to the clergy a very favorite hope of obtaining an establishment of a particular form of Christianity through the United States," and he added :

"The returning good sense of our country threatens abortion to their hopes, and they believe that any portion of power confided to me will be exerted in opposition to their schemes. And they believe rightly: for I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man. But this is all they have to fear from me; and enough too in their opinion. And this is the cause of their printing lying pamphlets against me, forging conversations for me with Mazzei, Bishop Madison, etc., which are absolute falsehoods without a circumstance of truth to rest on; falsehoods, too, of which I acquit Mazzei and Bishop Madison, for they are men of truth."

The first idea, that any denomination was laboring for a national establishment, we regard as a manifest error. It was a hasty inference dictated by resentment, under keen and cutting insults simultaneously launched from a multitude of pulpits. We do not understand this to have been by any means a persistent opinion of Mr. Jefferson.

But we believe he never understood the religious institutions and spirit of New England, and that the supporters of those institutions still less understood him. We believe that each did the other great injustice—the only difference in his favor being that they commenced the personal war and provoked that indignation which generally becomes the parent of prejudice and misconstruction. We may hereafter recur to this topic and explain our views. Here it would improperly delay the narration of historic events. We return to the more direct history of the Presidential election.

The choice of a new Legislature in Pennsylvania did not, as had been anticipated, terminate the contest in that State. Though the Republicans had a decisive majority in the popular vote, the Federalists again carried the Senate. Again that body refused to reenact the former electoral law, or to go into joint ballot, or to agree on any provisions which would allow the

popular or combined legislative majority to rule, or even to be represented by the same proportionate vote in the electoral college. The Republicans were allowed the choice of having the State disfranchised, or agreeing to conditions which would give them one more elector than their opponents—practically give the State one electoral vote. And they submitted to these terms.

In Maryland, where the Federalists had hoped to carry both branches of the Legislature, but were not certain of the popular vote in the electoral districts, their leaders meditated abolishing the popular election and giving the choice to the Legislature. We are furnished here with an instructive specimen of how far the fear of some extreme may drive patriotic and excellent men into setting extreme examples. Charles Carroll, of Carrollton, "disliked laws and changes suited to the spur of the occasion," but his apprehensions of "a Jacobinical President" and of "the insidious policy of Virginia" were so extreme that he "hoped the Legislature would choose, *pro hac vice*, the electors of President and Vice-President." He said he "hoped so, because he was not certain that the new House of Delegates, even if Federal, would pass such a law, as many of them "would probably be instructed not to vote for it." The Federalists were not reduced to the dilemma of deciding this nice question, for the Republicans elected a majority of the Legislature.

The second session of the sixth Congress convened in the new capital on the 17th of November.

The President's speech was short, dignified and moderate. He informed Congress that in compliance with a law of the last session, the officers and soldiers of the temporary army had been discharged; he renewed his recommendation for an extension of the judiciary system; and declared that the difficulties which had suspended the execution of the sixth article of the British treaty continued, but that sincere endeavors were being made by the government to produce an amicable termination of them. He said our Envoys to France had been received by the First Consul "with the respect due to their characters, and three persons with equal powers were appointed to treat with them;" that "although at the date of the last official intelligence the negotiation had not terminated, yet it was to be hoped that our

<sup>1</sup> Carroll to Hamilton. Hamilton's Works, vol. vi. p. 468.

efforts to effect an accommodation would at length meet with a success proportioned to the sincerity with which they had been so often repeated." Yet while endeavoring to preserve harmony with all nations, he thought it would be a "dangerous imprudence" to abandon defensive measures. He therefore recommended the continuance of those for strengthening the navy, for the fortification of some of our principal seaports and harbors, and for the manufacture of arms.

Mr. Jefferson set out for Washington on the 24th of November, and took the chair of the Senate on the 28th.

At the close of the year, Wolcott retired from the Treasury department. He had tendered his resignation on the 8th of November, but offered to remain until the end of December, not only to transfer the business of the department to another without injury, but also to afford "to the President suitable time to designate his successor." After staying long enough to hunt down his victim, and enjoy pretty near all the power and emolument he could derive from his position, this gentleman plumed himself greatly on the delicacy of this retirement. He wrote to his wife December 31st:

"I was never better pleased with any act in my life than with my resignation at the time and in the manner I did. It appears to have been the only way I could have taken to avoid dishonor."<sup>1</sup>

On the 14th of December, Mr. Jefferson, supposing the result of the election sufficiently settled, wrote Chancellor R. R. Livingston, of New York, inviting him to accept the secretaryship of the Navy.

He wrote Colonel Burr on the 15th, and after informing him of the supposed success of the Republican candidates—and that it was then rumored that one Republican vote would be withheld from Burr in South Carolina and Tennessee, and at least one vote in Georgia, but that the latter would still stand four or five votes above Mr. Adams—he added a remark which becomes interesting in the light of subsequent events:

"However, it was badly managed not to have arranged with certainty what seems to have been left to hazard. It was the more material, because I understand several of the high-flying Federalists have expressed their hope that the two Republican tickets may be equal, and their determination in that case to prevent a choice

<sup>1</sup> Gibbs's Memoirs, etc., vol. II. p. 462.

by the House of Representatives (which they are strong enough to do), and let the Government devolve on a President of the Senate. Decency required that I should be so entirely passive during the late contest that I never once asked whether arrangements had been made to prevent so many from dropping votes intentionally, as might frustrate half the Republican wish; nor did I doubt, till lately, that such had been made."<sup>1</sup>

It is indisputable that the success in New York was, in some measure, owing to the judicious selection of the legislative candidates in the metropolis of that State. Had the Republican ticket been so composed as to fail to draw the full support of two great personal parties—the Clintons and Livingstons—success might have been problematical. Governor George Clinton and the talented Brockholst Livingston were placed on the ticket. Revolutionary feeling was appealed to, by using the name of General Gates. Other men of great influence and popularity were embraced in the nomination. Though the fact has been disputed, it would undoubtedly be unjust to deny to the shrewd and artful Burr a good deal of the credit of arranging this ticket.\* But here his influence ended. Neither the Clintons nor the Livingstons were friendly to him.\* He had little per-

<sup>1</sup> The tenor of these remarks shows how absurd is the gossip preserved by Mr. Gibbs in a letter from Wolcott to Edwards, that Burr complained of bad faith because Virginia gave fifteen votes for Samuel Adams in 1796, and that in 1800 he "required as a condition of his consent to being a candidate, that highly respectable members of the Republican party should write letters, stating that their honor was pledged to endeavor to procure for him an equal vote with Mr. Jefferson." (Gibbs's *Memoirs*, etc., vol. ii. p. 488.)

\* See Hammond's remarks on this subject. *Political History of New York*, vol. i. p. 136.

\* The brilliant pamphleteer, "Aristides" (William P. Van Ness)—a writer always exhibiting vastly more talent than principle—did, indeed, assert the contrary; and quoted Matthew L. Davis, to prove that at an interview between Burr and George Clinton (held to enable the former to persuade the latter to allow his name to go on the New York ticket), Clinton declared "that he had long entertained an unfavorable opinion of Mr. Jefferson's talents as a statesman, and his firmness as a Republican—that he conceived him to be an accommodating trimmer," etc.—and finally, that if Mr. Burr had been the candidate, he "would have acted with pleasure and with vigor."

Davis quotes and assumes the paternity of these statements in his *Life of Burr* (vol. ii. pp. 58, 59), and declares their correctness was never publicly denied by either of the gentlemen named.

We have here a characteristic specimen of effrontery. A "Reply to Aristides" did appear, in which was given an authorized version on the part of George Clinton, of what passed at the interview between him and Burr. In this every material statement of Davis was denied. The writer declared that he "had every reason to believe" that Mr. Clinton "had the most exalted opinion" of Mr. Jefferson—that the latter "had not in the Union a sincerer friend, a more ardent admirer of his administration." "Nor did he question his firmness as a Republican—of this Governor Clinton was sensible that Mr. Jefferson had furnished the most satisfactory and incontrovertible proof;" that "he had no idea, at the time, that Mr. Burr aspired to the Presidency; and then, as now, would be the last to wish him at the head of the Government."

This "Reply" was fathered by Cheetham, the editor of the "American Citizen," the organ of that branch of the Republican party to which the Clintons adhered: and understood, says Hammond, to be "especially under the influence of DeWitt Clinton"—the nephew of Governor George Clinton. "Aristides" (Van Ness) attributed this reply to the caustic pen of DeWitt Clinton himself—but whether he or Cheetham was the real author, the denial was equally authoritative.

The Clintonian writers assigned special reasons for Matthew L. Davis's malicious vin-

sonal popularity among the body of the people to sustain him. It was dissatisfaction with his conduct, in smuggling through the Legislature a bill which, while its professed object was "to incorporate an association (the 'Manhattan Company') to supply the city of New York with pure and wholesome water," really established an immense bank, with its stock placed within the reach of Burr and his political friends, which defeated the Republican city ticket in the spring of 1799. He was placed at the head of that ticket, and carried it down, where, for the two preceding years, the Republicans had been easily successful. Scarcely a reasonable doubt can exist that had he been a city candidate in 1800, the same result would have again followed. He understood this, and wishing a seat in the Legislature to look after his interests there, procured himself to be returned from the county of Orange.

The moment the New York Legislature was elected, it was filled with prominent and influential Republicans, who would assist in choosing an electoral college friendly to Mr. Burr for the Vice-Presidency, because he was the regular nominee of their party; but the most prominent of these were not cordial to him personally or politically. Burr owed immensely more to Jefferson's popularity in the State of New York, than Jefferson owed to Burr's popularity, efforts or arts. Had their positions on the ticket been reversed, the Republican party would have been overwhelmingly beaten in that State.

Nay, a portion of the Republicans of New York—including some of the most distinguished and best of them—were, it is said, on the watch for some treachery from Burr during the electoral canvass. It was believed that he concerted with one of the New York city electors to drop Jefferson's name on the ballot. This was said to have been frustrated by General Floyd, chairman of the Electoral College. At his suggestion, General Pierre Van Cortlandt, one of the electors, a man of high dignity and consequence, sportively insisted on writing each of his

dictiveness and fabrications against Jefferson on this and other occasions. In "A View of the Political Conduct of Aaron Burr, Esq.," printed in New York in 1802, a ludicrous account is given of Davis's pursuing Mr. Jefferson to Monticello in quest of an appointment to a lucrative office, which the President had already once refused to give him. After unsparingly ridiculing Davis's efforts in favor of Burr during the ballottings in the House of Representatives, the writer adds:

"It may be proper to apologize for having taken notice of this miserable instrument of a wretched principal. But being in the confidence of Mr. Burr, and known to circulate his opinions, it was necessary, in order to develop the nature, and, in some degree, the extent of the plot."

colleague's ballots. The person said to have been Burr's instrument, if he entertained the design imputed to him, quailed under the certainty of instant detection.

After it was ascertained to a moral certainty that if Pennsylvania elected Republican electors, the Federal candidates could not possibly be chosen, it was alleged that Burr and Jonathan Dayton, a Federal leader in New Jersey (late Speaker in the House of Representatives, and then a Senator in Congress), entered into an arrangement by which the Federal electors of the last-named State, already chosen, were, instead of throwing away their votes for Mr. Adams, to vote for Burr. This would have given the latter a certain triumph over Jefferson. The fact was specifically charged by Cheetham, in his *View of the Political Conduct of Aaron Burr*, published in 1802, and he further charged that this arrangement was publicly admitted by Dayton after the Presidential election. Judge Hammond says:

"The celebrated pamphlet of Aristides, written by Judge William P. Van Ness, in answer to Cheetham's '*View*,' does not contradict this statement. The subsequent intimacy between Mr. Dayton and Mr. Burr, which resulted in the ruin of the former, goes still further to confirm this statement."<sup>1</sup>

Van Ness was the confidant, newspaper champion, and instrument of Burr, and a keener and more terrible instrument—adding to the sleek glossiness and still tread, the deadly ferocity and power of the tiger<sup>2</sup>—never served a congenial principal.

It would be supposed that Dayton himself would have been at the pains to deny, or authorize the denial, of such an

<sup>1</sup> Hammond's *Political History of New York*, vol. i. p. 141.

<sup>2</sup> It was this "dark and malignant spirit," as Judge Hammond terms him, that egged on the fatal duel, which terminated forever the fierce rivalries of Burr and Hamilton. It will be remembered that he acted as the second of the former, and took some part in the correspondence. Judge Hammond, who knew Van Ness well, pronounced him "one of the most shrewd and sagacious men which New York ever produced."

We ought, perhaps, here to remark that Judge Hammond personally knew all the actors in these New York scenes well, and had mixed intimately with them in official and other circles. He was himself a conspicuous man in those circles for twenty or thirty years. The great fault in his *History*, is its lack of shadows. His gentle and benevolent heart detected guilt with reluctance, and dealt with it in mercy. Where he condemns a man he differed with, his attempt at impartiality is apt to lead him almost into a defence. His most frequent errors arise from the fear of overpraising his friends. We knew him well. A purer and honest man—one more anxious to do exact justice to all—we believe never existed.

As a literary production, his *Political History of New York* cannot rank high. But as an impartial political *History* of its times, it is invaluable.

Judge Hammond's manuscript correspondence was submitted to our inspection after his death. We learned from it by indubitable evidence, that he possessed the personal confidence of many of the ablest and best leaders of nearly every party of his day.

allegation as this, if untrue. As this and similar charges, made at about the same period, destroyed the political character and hopes of Burr, it would be supposed he would have procured Dayton's authoritative denial, could it have been obtained. We infer from Judge Hammond's silence, that Dayton made no such denial.

It was stated in Cheetham's "View," that after it was known there was a tie between Jefferson and Burr before the Presidential election in the House of Representatives, Van Ness wrote Edward Livingston (one of the New York members), advising him that it "was the sense of the Republican party of this (New York) State, that after some trials in the House, Mr. Jefferson should be given up for Mr. Burr." Judge Hammond, after mentioning this circumstance, adds :

"This, by the by, was notoriously untrue. Other letters were written to the same effect. This charge is made in Cheetham's 'View,' etc., which was answered by Mr. Van Ness, as I have before stated, in the pamphlet to which he affixed the signature of Aristides. In that pamphlet he does not deny that he wrote the letter, and such a letter, to Mr. Livingston. Can any man doubt that that letter was written with the knowledge and approbation of Colonel Burr?"<sup>1</sup>

Hammond, on a review of the facts, makes no doubt whatever that Burr sought, in advance of the election, by all practicable secret means, to procure his own election over the head of Jefferson—a thing rendered attainable by a fraud, owing to the miserable method then prescribed by the Constitution for voting for the Presidential and Vice-Presidential candidates.

A plausible array of circumstances can be shown on the other side, which, with the readily-manufactured additions of Mr. Burr's biographer, might, undisputed, produce strong impressions of his innocence. But candid men, on full investigation, will generally, we think, adopt Hammond's conclusion. We regard the fact, however, as of the least possible consequence. One more or one less baseness, in a life of infamy, would not sensibly lighten or darken a picture, the general coloring of which is the subject of no dispute.

Recurring to Jefferson's correspondence, another passage in his letter to Burr of December 15th is here recorded, for future reference :

<sup>1</sup> Political History of New York, vol. i. p. 142.

"While I must congratulate you, my dear sir, on the issue of this contest, because it is more honorable, and doubtless more grateful to you than any station within the competence of the chief magistrate, yet for myself, and for the substantial service of the public, I feel most sensibly the loss we sustain of your aid in our new Administration. It leaves a chasm in my arrangements, which cannot be adequately filled up. I had endeavored to compose an Administration whose talents, integrity, names, and dispositions, should at once inspire unbounded confidence in the public mind, and insure a perfect harmony in the conduct of the public business. I lose you from the list, and am not sure of all the others. Should the gentlemen who possess the public confidence decline taking a part in their affairs, and force us to take persons unknown to the people, the evil genius of this country may realize his avowal that 'he will beat down the Administration.'"

He wrote to Judge Breckenridge, three days later :

"Before you receive this, you will have understood that the State of South Carolina (the only one about which there was uncertainty) has given a Republican vote, and saved us from the consequences of the annihilation of Pennsylvania. But we are brought into dilemma by the probable equality of the two Republican candidates. The Federalists in Congress mean to take advantage of this, and either to prevent an election altogether, or reverse what has been understood to have been the wishes of the people as to the President and Vice-President; wishes which the Constitution did not permit them specially to designate. The latter alternative still gives us a Republican Administration. The former, a suspension of the federal Government, for want of a head. This opens to us an abyss at which every sincere patriot must shudder. General Davie has arrived here with the treaty formed (under the name of a convention) with France. It is now before the Senate for ratification, and will encounter objections. He believes firmly that a continental peace in Europe will take place, and that England also may be comprehended."

In a letter to Madison on the 19th, after stating that he had no doubt there would be a tie between himself and Burr, he added :

"This has produced great dismay and gloom on the Republican gentlemen here, and exultation in the Federalists, who openly declare they will prevent an election, and will name a President of the Senate, *pro tem.* by what they say would only be a *stretch* of the Constitution. The prospect of preventing this, is as follows: Georgia, North Carolina, Tennessee, Kentucky, Vermont, Pennsylvania, and New York, can be counted on for their vote in the House of Representatives, and it is thought by some that Baer of Maryland, and Lynn of New Jersey, will come over. Some even count on Morris of Vermont. But you must know the uncertainty of such a dependence under the operation of caucuses and other Federal engines. The month of February, therefore, will present us storms of a new character."

He thus gave his opinion of the new French Treaty :

"Davie is here with the convention, as it is called; but it is a real treaty, and without limitation of time. It has some disagreeable features, and will endanger



the compromising us with Great Britain. I am not at liberty to mention its contents, but I believe it will meet with opposition from both sides of the House. It has been a bungling negotiation."

He mentioned that Jay was yesterday nominated Chief Justice, and that the Republicans had been "afraid of something worse;" that it was believed the judiciary system would not be pushed, "as the appointments, if made by the present Administration, could not fall on those who created them;" that he very much feared "the road system would be urged"—that "the mines of Peru would not supply the moneys which would be wasted on this object;" and he closed by saying: "I propose, as soon as the state of the election is perfectly ascertained, to aim at a candid understanding with Mr. Adams. I do not expect that either his feelings or his views of interest will oppose it. I hope to induce in him dispositions liberal and accommodating."

He wrote to Madison again on the 26th, that the Federalists appeared determined to prevent an election, and to pass a bill giving the Government to Mr. Jay, appointed Chief Justice, or to Marshall, Secretary of State; that the treaty would be violently opposed by the Federalists, "the giving up the vessels [being] the article they cannot swallow;" that the judiciary bill "was forwarded to commitment," and that the writer "dreaded this above all the measures meditated, because appointments in the nature of freehold would render it difficult to undo what was done."

In a letter to Tenche Coxe of the 31st, after stating that "the Federalists, among whom those of the Republican section were not the strongest," proposed to devolve the Government on the Chief Justice, the Secretary of State, or the President *pro tempore* of the Senate, "till next December," which would give them "another year's preponderance and the chances of future

<sup>1</sup> This Convention provided, among other things, for a mutual restoration of public vessels, and all captured property not already condemned, but left the indemnities claimed by both sides to future negotiation—as well as the binding force of former treaties. But in the meantime, those treaties were not to be acted upon. Each gave to the other the privileges of the most favored nation in regard to commerce, and ships of war. All public and private debts due, were to be paid between the two nations. The French abolished those regulations which had been most vexatiously employed against American commerce. The principle that free ships should make free goods was restored.

The manner in which Jefferson speaks of this treaty is worth the study of those who have been taught to consider him as devoted to the interests of France, as some of his opponents were to those of England.

events," he mentioned the counter plan then entertained by the Republicans :

"The Republicans propose to press forward to an election. If they fail in this, a concert between the two higher candidates may prevent the dissolution of the Government and danger of anarchy, by an operation bungling indeed and imperfect, but better than letting the Legislature take the nomination of the Executive entirely from the people."

We are not authorized to declare what the "bungling operation" here mentioned was ; but presume it is alluded to more or less accurately in the following paragraph in a letter from Gunn to Hamilton :

"I have seen a letter from Mr. Madison to one of the Virginia representatives, in which he says that, in the event of the present House of Representatives not choosing Mr. Jefferson President, that the next House of Representatives will have a right to choose one of the two having the highest number of votes, and that the nature of the case, aided with the support of the great body of the people, will justify Jefferson and Burr jointly to call together the members of the next House of Representatives previous to the 3d of December next, for the express purpose of choosing a President." \* \* \*

If this was the idea entertained by the Republicans, it was soon abandoned.

On the 10th and 12th of January, Mr. Jefferson wrote letters to two learned correspondents, Dr. Williamson and William Dunbar, discussing scientific topics as coolly as if no wild political storm was then raging about him.

He wrote Burr, February 1st, advising him that a letter which had been shown to the latter, purporting to be from Jefferson to Breckenridge, was a forgery ; and putting him on his guard against the efforts of the enemy to "sow tares between them."

The next day, he wrote Governor McKean that he hardly thought the House would be able to prevent an election, as there were in it "six individuals of moderate character, any one of whom coming over to the Republican vote would make a ninth State." The force of this remark will soon be seen.

On the 3d of February, he wrote the celebrated Dr. Wistar a letter of considerable length exclusively devoted to the subject of some fossil bones found at Shawangum.

<sup>1</sup> Gunn to Hamilton, January 9th. Hamilton's Works, vol. vi. p. 508.

On the 2d, a resolution passed the House of Representatives that a committee be appointed to report rules for the election. It reported through its Chairman, Rutledge, on the 6th: 1. That on its appearing upon the counting of the votes in the manner prescribed by the Constitution that no candidate had received a majority, that the Representatives return to their chamber. 2. That seats be provided for the President and members of the Senate. 3. That the House continue to ballot for a President without interruption by other business, until it should appear that a President was duly chosen. 4. That after commencing the balloting for President, the House should not adjourn until a choice was made. 5. That the doors should be closed during the balloting, except against the officers of the House. 6. That the delegations of each State ballot among themselves, and then deposit the vote of the State for one candidate; or, if there was a tie in the delegation, write on it "divided" (there were many preliminary and additional provisions to guard against error or fraud.<sup>1</sup>) 7. That if either person voted for should have a majority of States, the Speaker should immediately declare the same, and give notice to the President. 8. That all questions which should arise during the balloting requiring the decision of the House, should be decided without debate.

It was moved (February 9th) that the House disagree to the 4th rule; but it was sustained by a vote of fifty-three to forty-seven. A motion to disagree with the 5th rule was defeated, fifty-four to forty-five. These were substantially party votes, though Baer and Linn, Federalists, voted against the 4th. The report was then adopted.

On the 11th of February, the two Houses of Congress assembled in the Senate chamber, and the certificates of the electors of sixteen States were by the Vice-President opened and delivered to the tellers appointed for the purpose,<sup>2</sup> who, having

<sup>1</sup> See *Annals of Congress*, 1799-1801, p. 1005.

<sup>2</sup> It is perhaps almost unnecessary to say that the statement made by Davis in his *Life of Burr* (vol. ii. p. 72), on the pretended authority of a member of Congress, that Wells, one of the tellers of the Senate on this occasion, informed this member of Congress that the Georgia votes were wholly irregular; "that the return of the votes was not," as required by the Constitution, "authenticated by the signatures of the electors, or any of them, either on the outside or inside of the envelope, or in any other manner;" that the tellers handed the paper to the presiding officer (Jefferson), with only the statement that the return was informal, with the expectation that he would so declare; that Jefferson's countenance changed, but that he rapidly declared the votes four for Thomas Jefferson and four for Aaron Burr, and then in a hurried manner put them aside, and broke the seals of the package from the next State—is throughout, and in every particular, one of those pure fictions in which this writer so peculiarly delights. We have not taken pains

ascertained the number of votes, presented a list to the Vice-President which was read as follows :

States.	Thomas Jefferson.	Aaron Burr.	John Adams.	Charles C. Pinckney.	John Jay.
New Hampshire, . . . . .	—	—	6	6	—
Massachusetts, . . . . .	—	—	16	16	—
Rhode Island, . . . . .	—	—	4	3	1
Connecticut, . . . . .	—	—	9	9	—
Vermont, . . . . .	—	—	4	4	—
New York, . . . . .	12	12	—	—	—
New Jersey, . . . . .	—	—	7	7	—
Pennsylvania, . . . . .	8	8	7	7	—
Delaware, . . . . .	—	—	3	3	—
Maryland, . . . . .	5	5	5	5	—
Virginia, . . . . .	21	21	—	—	—
Kentucky, . . . . .	4	4	—	—	—
North Carolina, . . . . .	8	8	4	4	—
Tennessee, . . . . .	8	8	—	—	—
South Carolina, . . . . .	8	8	—	—	—
Georgia, . . . . .	4	4	—	—	—
	78	78	65	64	1

to examine the original Georgia returns, because the Democratic Review (vol. i. pp. 236, 237) gives what purports to be a verbatim copy of the paper, as preserved in the archives of the Senate, having the signatures of the electors on the outside and inside of the envelope, with the attestation of the Governor and Secretary of State, and the other requisite formalities—and we have never seen any of these allegations of the Democratic Review challenged since their publication, some years since.

Our remarks in regard to Matthew L. Davis may sound unnecessarily harsh, because he may have fallen inadvertently into errors, as all historical writers are certainly liable to do. But Mr. Davis's mistakes generally bear no such impress. They generally involve an infamous aggressive charge, and the case is rare when some necessary links in the sustaining testimony is not supplied by Mr. Davis's own individual testimony. And the infamy he imputes is so often wholesale and purely gratuitous, that the character of this ever ready witness should be clearly understood. We will, in regard to some well-known statements of his, follow his example of appearing as a personal witness.

Davis states, in the preface of his work, that "he alone had possessed the private and important papers of Colonel Burr, and he pledged his honor that every one of them, so far as he knew and believed, that could have injured the feelings of a female or those of her friends, was destroyed." He states that "a mass" of old *billets doux* thus came into his hands, containing "matter that would have wounded the feelings of families more extensively than could be imagined"—that Burr forbade their destruction during his life—that he (Davis), as soon as Burr's decease was known, burnt them with his own hands, and that he declares this fact to quiet the apprehensions of people writing to him anonymously and "under known signatures, expressing intense solicitude for suppression," etc. etc. All this flourish, of course, is intended to convey the idea that Burr's intrigues extended into a great many "families" of high respectability, and consequently to exhibit the wonderful forbearance of his biographer!

The late lamented Hon. Henry P. Edwards, one of the judges of the Court of Appeals of the State of New York, was a blood relative of Burr. Both he and his father continued to visit the latter till the close of his life—and to be on such terms of intimacy with him as consanguinity often produces where there is no congeniality of character. The young Edwards felt a good deal of sympathy for the forlorn old man; and Burr requited his attentions with avowed attachment. Judge Edwards informed the writer of this, that he finally suggested to his father that perhaps Burr had letters from females which ought to be destroyed, and whether it was not his (the elder Edwards's) duty to

The apprehended tie between the two highest candidates had occurred, and the Representatives returned to their chamber to perfect the election by their vote. Before following them there, we will go back and trace some of the partisan arrangements which had been brought to bear on the event.

Hamilton wrote Bayard, a warm friend, and a warm sympathizer in his hostility to Adams,<sup>1</sup> as early as August 6th, that "there seemed to be too much probability that Jefferson or Burr would be President"—that "the latter was intriguing with all his might in New Jersey, Rhode Island, and Vermont; and [that] there was a possibility of some success in his intrigues"—that "he [Burr] counted positively on the universal support of the anti-Federalists, and that by some adventitious aid from other quarters, he would overtop his friend Jefferson." General Hamilton continued :

"Admitting the first point, the conclusion may be realized, and, if it is so, Burr will certainly attempt to reform the government *à la Bonaparte*. He is as unprincipled and dangerous a man as any country can boast—as true a Catiline as ever met in midnight conclave."<sup>2</sup>

propose to Burr to destroy them. He informed us that his father did, soon after, make this proposition to Burr in his presence. Burr at once expressed his entire willingness that it should be done; but he remarked that they were scattered through a large mass of other papers, and he did not know how to undertake the task. But, said he, "you may do it if you choose, or you may set Henry about it." As family relatives, the Edwardses felt that it should be done, and both of them looked over some of the papers. The older Edwards soon abandoned the task to his son. The latter examined a large quantity of Burr's private correspondence (enough to fully satisfy him of the character of the whole), selecting out and destroying such as he saw fit. He informed us that the letters from females were much fewer than he anticipated, and "not one of them from a member of a family he [Edwards] had ever met in society." Only now and then one was from a person "he had ever heard of"—and then if the individual was half-way within the pale of a "certain sort of fashionable society," her position was understood to be equivocal. Judge Edwards declared that "Burr's amours were generally low"—that Davis's "parade of magnanimity was all moonshine, and just like the man." To the question, why he had never wiped such dirty imputations from New York female society, Judge Edwards replied that he had not supposed well informed persons credited them, and that in any event there would have been delicacies in his coming forward in such a matter. In reply to the question whether we were at liberty to repeat his statements, should we deem it proper (we, at the time, mentioned this biography), Judge Edwards, after a moment's pause, replied firmly, "Yes." This conversation took place in 1853, when Judge Edwards was attending a term of the Court of Appeals at Albany, and the substance of it was soon after reduced by us to writing. The same facts were repeated or alluded to in several other conversations. So far from Davis's having all the papers of Burr, even after the culling of the Edwardses, we could mention a different destination taken by a barrel of them; and a specimen taken from that barrel lies before us over his well-known signature.

<sup>1</sup> Bayard, in answering this letter, thus speaks of Adams :

"The escape we have had under his administration is miraculous. He is liable to gusts of passion little short of frenzy, which drive him beyond the contr. of any rational reflection. I speak of what I have seen. At such moments, the interests of those who support him or the interests of the nation, would be outweighed by a single impulse of rage. This is enough, but not all."—*Hamilton's Works*, vol. vi. p. 467.

<sup>2</sup> *Hamilton's Works*, vol. vi. p. 453.

On the 16th of December, Hamilton had given up the election of the Federal candidates, and he wrote to Wolcott:

"It is also circulated here, that, in this event [a tie vote], the Federalists in Congress, or some of them, talk of preferring Burr. I trust New England, at least, will not so far lose its head as to fall into this snare. There is no doubt that, upon every virtuous and prudent calculation, Jefferson is to be preferred. He is by far not so dangerous a man; and he has pretensions to character. As to Burr, there is nothing in his favor. His private character is not defended by his most partial friends. He is bankrupt beyond redemption, except by the plunder of his country. His public principles have no other spring or aim than his own aggrandizement, *per fas et nefas*. If he can, he will certainly disturb our institutions, to secure to himself *permanent power*, and with it *wealth*. He is truly the Catiline of America.

"Yet it may be well enough to throw out a lure for him, in order to tempt him to start for the plate, and then lay the foundation of dissension between the two chiefs. You may communicate this letter to *Marshall* and *Sedgwick*."<sup>1</sup>

Learning from Wolcott that his own proposition to "tempt" Burr "to start for the plate," was being acted on by the Federalists, and, what was more, that they were getting in earnest, Hamilton declared that no arrangements with Burr would bind him; that "every step in his career proved he had formed himself upon the model of Catiline, and he was too cold-blooded and too determined a conspirator to change his plan;" that it would be better to make terms with Jefferson. He said:

"Far better will it be to obtain from Jefferson assurances on some cardinal points.

"1st. The preservation of the actual fiscal system.

"2d. Adherence to the neutral plan.

"3d. The preservation and gradual increase of the navy.

"4th. The continuance of our friends in the offices they fill, except in the great departments, in which he ought to be left free."<sup>2</sup>

Cabot had previously written Hamilton favoring the idea of preferring Burr.<sup>3</sup> Otis took the same ground.<sup>4</sup> Sedgwick, in a letter of December 17th, took the opposite one.<sup>5</sup>

Gouverneur Morris wrote Hamilton, December 19th, and his letter demands especial notice, as absolutely substantiating charges against the Federalists which some of them afterwards denied when made by the Republicans; and also as showing

<sup>1</sup> Original italicization followed. (See Hamilton's Works, vol. vi. p. 486.)

<sup>2</sup> Hamilton's Works, vol. vi. p. 487.

<sup>3</sup> Ib. p. 454.

<sup>4</sup> Ib. p. 490.

<sup>5</sup> Ib. p. 491.

how completely Jefferson mistook Morris's conduct and motives in the coming struggle. Morris wrote:

"It is supposed that Mr. Jefferson and Mr. Burr will have equal votes, and various speculations are made and making on that subject. At first it was proposed to prevent any election, and thereby throw the Government into the hands of a President of the Senate. It even went so far as to cast about for the person. This appeared to me a wild measure, and I endeavored to dissuade those gentlemen from it, who mentioned it to me. The object of many is to take Mr. Burr, and I should not be surprised if that measure were adopted. Not meaning to enter into intrigues, I have merely expressed the opinion, that since it was evidently the intention of our fellow-citizens to make Mr. Jefferson their President, it seems proper to fulfill that intention."

In a letter to Morris of December 27th, Hamilton, in pressing his usual views, made a declaration, the latter clause of which will perhaps be thought remarkable. He said: "If there was a man in the world he ought to hate, it was Jefferson—with Burr he always had been personally well."<sup>1</sup>

The Secretary of State, Marshall (in answer to a letter not published), wrote Hamilton, January 1st, that he believed it certain that Jefferson and Burr would come to the House of Representatives with equal votes; that not being in the House, and not compelled by duty to decide between them, he had not determined in his own mind to which the preference was due; that he "could not bring himself to aid Mr. Jefferson."<sup>2</sup>

<sup>1</sup> Hamilton's Works, vol. vi. p. 493, also Sparks's Life of Morris, vol. iii. p. 131.

<sup>2</sup> *Ib.* p. 499.

<sup>3</sup> *Ib.* p. 501. The relations existing between Jefferson and Marshall have been so often alluded to, that perhaps we ought, in justice, to quote the words of the letter:

"To Mr. Jefferson, whose political character is better known than that of Mr. Burr, I have almost insuperable objections. His foreign prejudices seems to me totally to unfit him for the Chief Magistracy of a nation which cannot indulge those prejudices without sustaining deep and permanent injury. In addition to this solid and unmovable objection, Mr. Jefferson appears to me to be a man who will embody himself with the House of Representatives. By weakening the office of President, he will increase his personal power. He will diminish his responsibility, sap the fundamental principles of the government, and become the leader of that party which is about to constitute the majority of the legislature. The morals of the author of the letter to Mazzei cannot be pure.

"With these impressions concerning Mr. Jefferson, I was in some degree disposed to view with less apprehension any other characters, and to consider the alternative now offered as a circumstance not to be entirely neglected.

"Your representation of Mr. Burr, with whom I am totally unacquainted, shows that from him still greater danger than even from Mr. Jefferson may be apprehended. Such a man as you describe is more to be feared, and may do more immediate if not greater mischief. Believing that you know him well, and are impartial, my preference would certainly not be for him; but I can take no part in this business. I cannot bring myself to aid Mr. Jefferson."

The ideas then entertained of the tenure of Cabinet officers, are somewhat reflected in the following sentences:

"Perhaps respect for myself should, in my present situation, deter me from using any influence (if indeed I possessed any) in support of either gentleman. Although no consideration could induce me to be the Secretary of State, while there was a President

In answer to a particularly urgent appeal of the usual tenor, from Hamilton (dated December 27th), Bayard (January 7th) mentioned that Burr had addressed a letter to General Smith, of Maryland, disavowing any desire to interfere with the intention of his party to make Mr. Jefferson President; and Bayard made a commentary on Burr's letter, which ought not to be overlooked:

"It is here [in Washington] understood to have proceeded either from a false calculation as to the result of the electoral votes, or was intended as a cover to blind his own party. By persons friendly to Mr. Burr, it is distinctly stated that he is willing to consider the Federalists as his friends, and to accept the office of President as their gift. I take it for granted that Mr. Burr would not only gladly accept the office, but will neglect no means in his power to secure it. Certainly he cannot succeed without the aid of the Federalists, and it is even much to be doubted whether their concurrence will give him the requisite number of States.

"I assure you, sir, there appears to be a strong inclination in a majority of the Federal party to support Mr. Burr. The current has already acquired considerable force and [is] manifestly increasing. The vote which the representation of a State enables me to give would decide the question in favor of Jefferson. At present I am by no means decided as to the object of preference. If the Federal party should take up Mr. Burr, I ought certainly to be impressed with the most undoubted conviction before I separated myself from them. With respect to the personal qualities of the competitors, I should fear as much from the sincerity of Mr. Jefferson (if he is sincere) as from the want of probity in Mr. Burr," etc.<sup>1</sup>

Gouverneur Morris had written Hamilton two days earlier, and the letter contains some characteristic touches:

"On the election between Mr. Jefferson and Mr. Burr there is much speculation. Some, indeed most, of our Eastern friends are warm in support of the latter, and

whose political system I believed to be at variance with my own; yet this cannot be so well known to others, and it might be suspected that a desire to be well with the successful candidate had, in some degree, governed my conduct."

Mr. Marshall, who believed Mr. Jefferson's "foreign prejudices" "totally unfitted him for the Chief Magistracy," gave in the same letter some declarations of his own opinions of a proper foreign policy, well worth deliberate scrutiny. We quote:

"With you, I am in favor of ratifying our treaty with France, though I am far, very far, from approving it. There is, however, one principle which I think it right to explain.

"Our Envoys were undoubtedly of opinion that our prior treaty with Britain would retain its stipulated advantages, and I think that opinion correct. Was our convention with any other nation than France, I should feel no solicitude on this subject. But France, the most encroaching nation on earth, will claim a liberal interpretation, and our people will decide in her favor. Those who could contend that a promise not to permit privateers of the enemy of France to be fitted out in our ports, amounted to a grant of that privilege to France, would not hesitate to contend that a stipulation giving to France, on the subject of privateers and prizes, the privileges of the most favored nation, placed her on equal ground with any other nation whatever. In consequence of this temper in our country, I think the ratification of the treaty ought to be accompanied with a declaration of the sense in which it is agreed to. This, however, is only my own opinion."

: See this letter in Hamilton's Works, vol. vi. p. 505.



their pride is so much up about the charge of influence, that it is dangerous to quote an opinion. I trust they will change or be disappointed, for they appear to be moved by passion only. I have, more at the request of others than from my own mere motion, suggested certain considerations not quite unworthy of attention; but it is dangerous to be impartial in politics. You, who are temperate in drinking, have never, perhaps, noticed the awkward situation of a man who continues sober after the company are drunk. Adieu, my dear Hamilton. God bless you, and send you many happy years."<sup>1</sup>

Hamilton replied to Morris, January 9th. He said, it "had occurred to him that perhaps the Federalists might be disposed to play the game of preventing an election, and leaving the executive power in the hands of a future President of the Senate;" but he warned them this could not succeed, because, though the anti-Federalists, as a body, preferred Jefferson, there were among them "many who would be better suited by the dashing, projecting spirit of Burr, and who, after doing what they would suppose to be saving appearances, would go over to Mr. Burr." He added: "Edward Livingston had declared among his friends, that his first ballot would be for Jefferson—his second for Burr."<sup>2</sup>

Rutledge's "determination to support Mr. Burr had been shaken" by a communication of General Hamilton to him of the 4th. Both Jefferson and Burr appeared to Rutledge improper persons for the Presidency, but "the Federalists thought their preferring Burr would be the least mischief they could do." "His promotion would be prodigiously afflicting to the Virginia faction." "Should Mr. Jefferson be disposed to make (as he would term it) an improvement (and as we should deem it a subversion) of our Constitution, the attempt would be fatal to us, for he would begin by democratizing the people, and end with throwing everything into their hands."<sup>3</sup>

On the 10th of January, Sedgwick had veered round. It was true he said that a majority of the electors had intended Jefferson for President. But wherefore? Among a long list of reasons given by him in answer to this question, were these:

"He [Jefferson] was a sincere and enthusiastic Democrat in principle, plausible in manners, crafty in conduct, persevering in the pursuit of his object, regardless of the means by which it is attained, and equally regardless of an adherence to

<sup>1</sup> Hamilton's Works, vol. vi. p. 504. Sparks's *Life and Corr. of Morris*, vol. iii. p. 134

<sup>2</sup> *Ib.* p. 508.

<sup>3</sup> *Ib.* p. 511. This letter is dated January 10th.

truth, as demonstrated by his letter to Mazzei, his declaration in the Senate on his first taking his seat there," etc. "As to the other candidate, there was no disagreement as to his character. He was ambitious—selfish—profligate. His ambition was of the worst kind; it was a mere love of power, regardless of fame, but as its instrument; his selfishness excluded all social affections, and his profligacy [was] unrestrained by any moral sentiments, and defying all decency." But "the Jacobins disliked Mr. Burr as President"—"they dreaded his appointment more than even that of General Pinckney. On his [Burr's] part he hated them for the preference given to his rival. He had expressed his displeasure at the publication of his letter by General Smith."

The breach would continue to widen. If elected by the Federalists, against the opposition of the "Jacobins," the wounds on both sides would probably be "incurable." As for the election of Burr disgracing the country, he thought—

\*\*\* "It impossible to preserve the honor of our country or the principles of our Constitution by a mode of election which was intended to secure to prominent talents and virtues the first honors of our country, and for ever<sup>1</sup> to disgrace the barbarous institutions by which executive power is *to be transmitted through the organs of generation*. We had at one election placed at the head of our Government a semi-maniac, and who, in his soberest senses, was the greatest marplot in nature; and at the next a feeble and false enthusiastic theorist, and a profligate without character and without property, bankrupt in both."<sup>2</sup>

On the 16th of January, Hamilton made what may be regarded as his great and closing appeal, and it was directed to Bayard.<sup>3</sup> He declared if the Federal party "should, by supporting Mr. Burr as President, adopt him for their official chief, he should be obliged to consider himself an isolated man"—in other words out of his party.

"Among the letters which he had received assigning the reasons, *pro* and *con*, for preferring Burr to J., he observed no small exaggeration to the prejudice of the latter." . . . "He admitted that his politics were tinctured with fanaticism; that he was too much in earnest in his democracy; that he had been a mischievous enemy to the principal measures of our past Administration; that he was crafty and persevering in his objects; that he was not scrupulous about the means of success, nor very mindful of truth, and that he was a contemptible hypocrite."

But it was not true that he was for "confounding all the powers in the House of Representatives."<sup>4</sup> He considered the participation of the Senate in the Executive authority as im-

<sup>1</sup> The three flattering portraits here drawn stand, of course, for Adams, Jefferson and Burr. The italicization is by Sedgwick. Hamilton's Works, vol. vi. pp. 511-514.

<sup>2</sup> This is published, antedated one year, in Hamilton's Works, vol. vi. pp. 419-424.

<sup>3</sup> This was in answer to Marshall's charge.

proper. He was likely to temporize, and to promote his own reputation and advantage by letting alone systems, which, though originally opposed by him, "could not now be overturned without danger to the person who did it." He had manifested a culpable predilection for France—but it was doubtful whether this was not "as much from her popularity among us as from sentiment," and his zeal would cool as that popularity diminished; "add to this there was no fair reason to suppose him capable of being corrupted."

Hamilton then analyzed at length with great vigor, all the arguments advanced by the Federalists in favor of supporting Burr—pronouncing them all unfounded. The position, that Burr's election by the Federalists would be "a mortal stab" to their opponents—"breed an invincible hatred to him, and compel him to lean on the Federalists," he pronounced utterly "fallacious." He said, that recent facts had demonstrated "that Burr was solicitous to keep upon anti-Federal ground to avoid compromising himself by any engagements with the Federalists"—"he trusting to their prejudices and hopes for support."

He asserted "that really the force of Mr. Burr's understanding was much overrated—that he was far more cunning than wise—far more dexterous than able." He added "very, very confidentially," that in his opinion, Burr "was inferior in real ability to Mr. Jefferson."<sup>1</sup>

Mr. Adams allowed his chagrin to blind him to the unconstitutionality, if it did not quite convince him of the expediency of one of the most dangerous propositions advanced by the heated factionists in the House of Representatives. He wrote to Gerry (February 7th):

"I know no more danger of a political convulsion, if a President *pro tempore*, or a Secretary of State, or Speaker of the House, should be made President by Congress, than if Mr. Jefferson or Mr. Burr is declared such. The President would be as legal in one case as in either of the others, in my opinion, and the people as well satisfied. This, however, must be followed by another election, and Mr. Jefferson would be chosen; I should, in that case, decline the election. We shall be tossed, at any rate, in the tempestuous sea of liberty for years to come, and where the bark can land but in a political convulsion, I cannot see. I wish the good ship to her destined harbor."<sup>2</sup>

<sup>1</sup> This is but a brief analysis of some of the leading points in this letter. The reader will do well to consult the original.

<sup>2</sup> Adams's Works, vol. ix. p. 36.

Did Mr. Adams really believe that the people would be "as well satisfied"—or was this the momentary ebullition of disappointment and anger? If he did entertain this opinion, he soon had occasion to be undeceived.

One striking fact discloses itself throughout this correspondence. Never were men urged harder to assign a reason for their conduct than were the Federal supporters of Burr, for attempting to elevate a concededly unprincipled, vicious, dangerous man to the Chief Magistracy of the nation, over the candidate whom they knew a large majority of the people had chosen for that place. Hamilton had encouraged the dangerous game, if he did not actually set it on foot. He subsequently made no complaint of the moral fraud, of the outrage on popular rights, contemplated by his partisans. He placed the sole ground of his vehement objections on the base and dangerous personal character of Burr. If those friends who persisted in acting contrary to his advice, and who assigned one reason and another for their course, could have excused themselves by showing or alleging that Jefferson also was a bad and dangerous man, would they have failed to make this the prominent and warmly urged basis of their justification? Or if they considered him nearly as bad, or to some degree resembling Burr, would they have failed explicitly to say so—as an important makeweight to the other considerations which influenced them?

We find one or two of Hamilton's correspondents declaring Jefferson crafty, regardless of truth, etc. Marshall stated hypothetically, that the morals of the author of the Mazzei letter could not be pure. Hamilton, anxious to prove he was influenced by an equal personal dislike of both candidates, finally reëchoed some of these charges.

Very prominent and successful public men are apt to be crafty, unscrupulous, and regardless of the truth in the eyes of exasperated opponents.

But Sedgwick, when he launched the charge of untruthfulness, qualified it by saying, "as demonstrated by his letter to Mazzei, his declaration in the Senate on his first taking his seat there, etc., etc." Marshall, a Virginian, residing at no very great distance from Jefferson, and in a city in which the latter had passed years since Marshall had come on the stage, while formally stating his particular objections to Jefferson, and show

ing an inclination to question his "morals," found nothing more nor besides the Mazzei letter on which to predicate an accusation in the latter particular. Some of the writers avow no personal objections whatever to Jefferson. Hamilton's charges were only an echo to Sedgwick's,<sup>1</sup> made late in the correspondence, and made apparently more in self-defence than for any other object—made to show that his personal animosities towards the candidates were equal—made to men who he knew had not forgotten his own "Oatullus" articles.

All the accusations have a vague, casual and uncertain sound. They are not thrown forward at the outset, or kept constantly in view as prime considerations in the case. They are not specially and pointedly pressed, as if the writers credited them literally. No instances are hinted at but such as would require a hostile and disavowed construction to give them their claimed bearing—and they were all of that class wherein heated partisans impute insincerity and guilt merely for a difference of opinion.<sup>2</sup> Not one of these writers makes an approach to instituting a parallel between the characters of Jefferson and Burr, or has the effrontery to bring them into any degree of direct comparison.

It is to be remembered that this correspondence was between men acquainted, some of them intimately acquainted, with Jefferson, in public and private life—temporary residents of the same city (or rather, small village)—frequenters, to some extent, of the same circles—members of the same Congress. The correspondence was confidential, and between highly confidential friends, and therefore no considerations of personal prudence or public decorum prevented each from saying all he could, which would tend to his own vindication—though it amounted only to belief and suspicions against Jefferson. But on the other hand, this was not the class of men who could seriously utter privately to each other, the coarse and vulgar

<sup>1</sup> They were made in a letter to Bayard (Jan. 16), but evidently in reply to Sedgwick's remarks, in his letter to Hamilton of January 10th. Hamilton knew his letters on this subject were read in common by these intimate correspondents—he had solicited it. He knew, too, they doubtless talked over in common their views, and what they wrote him.

<sup>2</sup> For example, Sedgwick's and Marshall's specifications already mentioned—and we believe they were the only instances cited. To do the writers justice, we consider them mentioned rather as qualifications than as proofs. They amounted to saying that their writers were not satisfied with Mr. Jefferson in the particulars named—but that they did not mean to assume the moral responsibility of making the charges they uttered, except on this kind of evidence.

slanders which might pass current in some other quarters. On the whole, the circumstances rendered the testimony of these deadly foes—what they said and what they omitted to say—more than usually valuable; for it is to be presumed they went as far as they could to justify their conduct, and maintained their positions by as strong facts and instances as they were able to adduce.

Only in respect to one charge were Mr. Jefferson's foes earnest, united, and evidently under serious apprehensions in case of his election. They all, like Ames, considered him a democrat "in earnest." And it should not be forgotten, in this connection, that when Hamilton, a few months before, warmly urged on Governor Jay a measure to defeat Jefferson's election, which he manifestly feared Jay might not regard as "becoming"—when he attempted to appal the Governor into acquiescence by convincing him that the safety of the whole social fabric would be fearfully endangered by Jefferson's election—his worst, his concentrated, his only charge against the latter (except in religion) was that he was "a fanatic."

Mr. Jefferson's public or private character does not depend upon the judgment or the testimony of his bitter enemies. But his bitter enemies seem to us to have involuntarily furnished what really constitutes decisive evidence of the invulnerability of his personal character, and the deep sincerity of his principles.

Hamilton's position at this period was particularly unfortunate. His attack on Mr. Adams had disgusted many persons who before would have followed him in preference to the President. It had roused the warm indignation of the friends of the latter. It had led a large majority of the Federalists either to believe or painfully suspect that Hamilton's judgment and his fidelity to his party principles were not proof against his personal ambition and resentments. His intolerable spirit of dictation had roused an irritation which rendered members of Congress jealous of acting on, and still more of appearing to act on, his advice when it ought to have been followed. More than once before the struggle on the Presidential question was over, his friends were constrained to hint to Hamilton that his being generally known to urge the course he did on the Federal members, would tend to defeat it. He had dragged down his enemy

in his own party, but had fallen crushed hopelessly beneath him. If the future settlement of political questions had rested solely with the Federalists, Hamilton would have been thenceforth as effectually exiled from public life as he then was. He never had possessed any great strength among the popular masses of his party. It required a bloody martyrdom to restore him to the affections of a moiety of its leaders.

Consequently, his urgent appeals to the Federalists in Congress against attempting to elect Burr over Jefferson, were disregarded. Those appeals were even openly attributed by some of them to personal hostility to Burr, to disinclination to build up a powerful local rival in his own party, and to a wish not to bring the Presidency into New York, for fear it might weaken his own future chances for obtaining that office. Some of these reasons are far-fetched; and we omit to name others, which appear to us to be frivolous.

A Federal caucus decided by a large majority that the support of the party should be given to Burr. Many upright men no doubt convinced themselves that as a constitutional election by the people had failed, the next mode prescribed by law left those on whom the election devolved as free to act on their individual choice, within the conditions of the law, as had been the people themselves. But a much larger majority of the nation than had originally elected Mr. Adams, had indicated its choice, and if that choice was defeated, it was not in consequence of Jefferson lacking, in the essence, what the Constitution demanded as the essential prerequisite to election. Morally speaking, that free choice which (by the theory under notice) devolves upon the House where no candidate obtains beyond a plurality, did not exist in this case. And the Federalists were not forced into a dilemma necessarily springing out of the conditions of the law. It required voluntary and affirmative action, on their part, to create that dilemma. The Congressional representatives of the majority of the people, and of a plurality of States, were prepared at once to confirm the choice of their constituents. It demanded a complete concentration of the Federal force—not obtained without caucus machinery, and “whipping in” their own reluctant members—to give enough States to Burr, and produce a tie in enough others, barely to prevent Jefferson from being immediately chosen. The party emphatically

created the wrong which they sought to take advantage of, first to elect a man who had not really received a vote for the office, and failing in this, secondly, to block the wheels of the government until anarchy ensued, or until the fear of it could be made the pretext of a usurpation. We have already had clear proof that the Federalists in the House of Representatives acted in full view of precisely these consequences; and we shall have further proof before the subject is disposed of. We shall have the unanswered testimony of some of their own number, that a majority of the Federal members entered upon and clung to the last to these dangerous designs.

If men have a right, as moral beings and patriots, to violate the spirit of the institutions under which they live—to subvert or bring to an end the constitution of their country—to invite a resort to civil war, rather than surrender some technical advantage with which the letter of the law chances to clothe them, in an unanticipated contingency—to “rule or ruin”—then the conduct of the Federalists was moral and patriotic on this occasion: otherwise it was not. And when we take their own showing of the character of the Presidential candidates, the real ground of their insuperable hostility to Jefferson, we have a still further specimen of the political morals and real political doctrines of the ultra-Federal leaders. These were the men who railed as much at the want of integrity, as the want of knowledge, in popular constituencies!

Justice requires us to say that the proceedings of the Federal Congressional caucus did not express the final determination of all of its members. There were a few men in it who were determined, after exhausting all practicable peaceable efforts to elect Burr, to withdraw their opposition, and permit Jefferson's election, sooner than risk the consequences of an interregnum or usurpation. We shall have occasion hereafter to see who a portion of them were, and catch a near glimpse of their special motives.

Before entering upon the details of the great struggle in the House, it would not be fair to Colonel Burr—or rather to history—to withhold the sole but decisive evidence of a hitherto unpublished letter, showing that when it was written Jefferson gave Burr the credit of having acted (what we have seen denied by Bayard and Sedgwick, probably on better knowledge) with



sincerity in his letter to General Smith, and thus far in his general conduct.

TO MARIA JEFFERSON EPPES, BERMUDA HUNDRED.

WASHINGTON, Jan. 4th, 1801.

Your letter, my dear Maria, of December 28, is just now received, and shall be immediately answered, as shall all others received from yourself or Mr. Eppes. This will keep our accounts even, and show by the comparative promptness of reply, which is most anxious to hear from the other. I wrote to Mr. Eppes, December 28d, but directed it to Petersburg; hereafter it shall be to City Point.

I went yesterday to Mount Vernon, where Mrs. Washington and Mrs. Lewis inquired very kindly after you.<sup>1</sup> Mrs. Lewis looks thin and thinks herself not healthy; but it seems to be more in opinion than anything else. She has a child of very uncertain health.

The election is understood to stand 73, 73, 65, 64. The Federalists were confident at first they could debauch Col. B. from his good faith by offering him their vote to be President, and have seriously proposed it to him. His conduct has been honorable and decisive, and greatly embarrasses them. Time seems to familiarize them more and more to acquiescence, and to render it daily more probable they will yield to the known will of the people, and that some one State will join the eight already decided as to their vote. The victory of the Republicans in New Jersey, lately obtained by carrying their whole congressional members on an election by general ticket, has had weight on their spirits. Should I be destined to remain here, I shall count on meeting you and Mr. Eppes at Monticello, the first week in April, where I shall not have above three weeks to stay. We shall then be able to consider how far it will be practicable to prevent this new destination from shortening the time of our being together, for be assured that no considerations in this world would compensate to me a separation from yourself and your sister. But the distance is so moderate that I should hope a journey to this place would be scarcely more inconvenient than one to Monticello. But of this we will talk when we meet there, which will be to me a joyful moment. Remember me affectionately to Mr. Eppes, and accept yourself the effusion of my tenderest love. Adieu, my dearest Maria

TH. JEFFERSON.

When, on the 11th of February, the House of Representatives returned from the Senate Chamber to their own, to ballot without cessation until a President was chosen, a snow storm of great severity for the climate of Washington was at its height. Mr. Nicholson, a Republican member from Maryland, was too un-

<sup>1</sup> It may possibly afford a degree of satisfaction to some to be informed that it is understood by those who suppose they ought to know, that the widow of General Washington never suffered her earlier friendship for Mr. Jefferson to be impaired by the arts of go-betweens, or the jeremiads over Mazzel letters, etc. We are in possession of an anecdote (of the truth of which Mr. Jefferson had no doubt), which illustrates not only Mrs. Washington's feelings, but her decision in this matter; but as the narrative would be at the expense of another female (whose illiberality provoked the expressions of the former), no object which we could have in view in narrating it, would repay us for inflicting the necessary pain in the necessary quarter.

well to leave his bed. If he was absent, the Federal members from that State would be in a majority, and thus Jefferson would lose a State. He was carried on his bed through the driving storm, and remained in one of the committee-rooms of the Capitol, taking medicines from the hands of his wife, who stood by him night and day; and the ballot boxes were carried to his bedside and he voted on every ballot!

On the first ballot, eight States voted for Jefferson, six for Burr, and two were equally divided.

The following appears to have been the vote by members :<sup>1</sup>

	Jefferson.	Burr.
New Hampshire . . . . .	0	4 Burr
Massachusetts . . . . .	3	11 Burr
Connecticut . . . . .	0	7 Burr
Vermont . . . . .	1	1 Divided
Rhode Island . . . . .	0	2 Burr
New York . . . . .	6	4 Jefferson
New Jersey . . . . .	3	2 Jefferson
Pennsylvania . . . . .	9	4 Jefferson
Delaware . . . . .	0	1 Burr
Maryland . . . . .	4	4 Divided
Virginia . . . . .	14	5 Jefferson
North Carolina . . . . .	6	4 Jefferson
South Carolina . . . . .	1	5 Burr
Georgia . . . . .	1 <sup>2</sup>	0 Jefferson
Kentucky . . . . .	2	0 Jefferson
Tennessee . . . . .	1	0 Jefferson
	<hr/> 51	<hr/> 54

This is understood to have been a pure party vote, with the single exception of Mr. Huger, of South Carolina,<sup>3</sup> who, although a Federalist, voted for Jefferson.

<sup>1</sup> On the 12th of February, the National Intelligencer gave a list, which gave Jefferson 55 votes, and Burr 49. But this was unquestionably erroneous in several particulars. The list above is from the Philadelphia Gazette. It is confirmed by a New York Federal paper. It is probably correct. The Federalists notoriously had the majority of the House, counting by heads instead of States.

<sup>2</sup> One member from Georgia dead.

<sup>3</sup> Mr. Jefferson carried that idea; and James A. Bayard, in an affidavit made in 1805 (which will hereafter be quoted), said: "with the exception of Mr. Huger, of South Carolina, I recollect no Federal member who did not concur in the general course of balloting for Mr. Burr."

On the other hand, Hildreth (History of United States, second series, vol. ii. p. 402), says:

"The single Federal representative on whom, by the death of his colleague, the vote of Georgia had devolved, also Dent, one of the Federal representatives of Maryland, had decided to conform to the wishes of their constituents by voting for Jefferson. This gave Georgia to the Republicans, and equally divided the vote of Maryland. North Carolina

It requiring a majority of States to elect, Jefferson lacked one of the number. An inspection of the preceding table will show that the change of a single vote in his favor in either Vermont, Delaware or Maryland, would terminate the contest, and that either of six individuals could give that vote.

Seven continuous ballots resulted like the first, and then the House took a short recess. Randolph of Roanoke forwarded his step-father, St. George Tucker, daily bulletins. These help to complete the picture of an extraordinary scene:<sup>1</sup>

CHAMBER OF THE HOUSE OF REPRESENTATIVES,

Wednesday, February 11th, 1801.

Seven times we have balloted—eight States for J.—six for B.—two, Maryland and Vermont, divided. Voted to postpone for an hour the process; now half-past four—resumed—result the same.

The order against adjourning, made with a view to Mr. Nicholson, who was ill, has not operated. He left his sick bed, came through a snow-storm, brought his bed, and has prevented the vote of Maryland from being given to Burr. Mail closing.

Yours with perfect love and esteem,

J. R. JR.

During the same recess, Dana of Connecticut wrote Wolcott. After stating the result of the balloting, he added:

"One sick man has been brought to the House. He lies in a bed in one of the committee-rooms. The two tellers for the particular ballot of the State go and receive his ballot. This person is Mr Nicholson. Having been unwell several days myself, I do not go home to dine, especially as there is a snow-storm of unusual severity for this place. As I have tried abstinence from food for three days, I consider myself seasoned tolerably to the present singular situation. What is to be the result of this extraordinary election I know not. Connecticut will every man stand

was also equally divided; but one of the Federal members took the same view with the above mentioned members from Maryland and Georgia."

The single member from Georgia, Benjamin Talliaferro, and George Dent, of Maryland, will be found voting with the Republicans on the great test questions of the session, such as the Judiciary Bill and the Sedition Act. Jefferson, in a letter to N. R., February 19th (see Congress edition of his Works, vol. iv. p. 358), says: "The four Maryland Federalists put in blanks, so the vote of the four Republicans became that of their State."

The members from North Carolina were Nathaniel Macon, Willis Allston, Richard Stanford, Richard D. Spaight, Robert Williams, David Stone, Joseph Dickson, Archibald Henderson, William H. Hill and William B. Grove. The first six of these will be found voting with the Republicans on the test questions of the session.

We know not, therefore, on what principle of classification, or on what authority, Jefferson's and Bayard's statements are contradicted. It is possible some of these men were considered Federalists when they were elected. We have not taken the trouble to investigate that matter. It is sufficient that they were acting with the Republicans, and were recognized as such by the leading men of both sides at the time, as we have shown was the fact.

We should be very glad to record that other Federalists distinguished themselves in the same honorable manner that Mr. Huger did, could we do so consistently with the truth.

<sup>1</sup> We find them in Appendix to Tucker's Life of Jefferson.

to his vote. The Jeffersonians can acquiesce in Burr with less reproach than the Federalists can agree to Jefferson.

"By to-morrow morning probably there will be some alteration, if the balloting is thoroughly persevered in during the night."

The balloting continued at short intervals through the night. The next morning Randolph wrote :

*Thursday morning, February 12th.*

We have just taken the nineteenth ballot. The result has invariably been eight States for J., six for B., two divided. We continue to ballot with the interval of an hour. The rule for making the sittings permanent seems now to be not so agreeable to our Federal gentlemen. No election will, in my opinion, take place. By special permission, the mail will remain open until four o'clock. I will not close my letter until three. If there be a change, I shall notify it; if not, I shall add no more to the assurance of my entire affection.

JOHN RANDOLPH, JR.

Mr. Jefferson entered, the same day, in his *Ana* :

"*February the 12th, 1801.*—Edward Livingston tells me that Bayard applied to-day or last night to General Samuel Smith, and represented to him the expediency of his coming over to the States who vote for Burr, that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas, who confirms it to me. Bayard, in like manner, tempted Livingston, not by offering any particular office, but by representing to him his, Livingston's, intimacy and connection with Burr; that from him he had everything to expect, if he would come over to him. To Dr. Linn of New Jersey they have offered the government of New Jersey. See a paragraph in Martin's Baltimore paper of February the 10th, signed 'A LOOKER ON,' stating an intimacy of views between Harper and Burr."

Randolph resumes :

CHAMBER OF THE HOUSE OF REPRESENTATIVES,

*February 14, 1801.*

After endeavoring to make the question before us depend upon physical construction, our opponents have begged for a dispensation from their own regulation, and without adjourning, we have postponed (like able casuists) from day to day, the balloting. In half an hour we shall recommence the operation. The result is marked below.

We have balloted thirty-one hours. Twelve o'clock, Saturday noon, eight for J., six for B., two divided. Again at one, not yet decided. Same result. Postponed till Monday, twelve o'clock.

JOHN RANDOLPH, JR.

The same day, in answer to inquiries from Dr. Barton, of Philadelphia, Mr. Jefferson wrote that, in case of his election, "no man [in office] who had conducted himself according to

his duties, would have anything to fear from him," and "those who had done ill would have nothing to hope, be their political principles what they might." But he said the filling of appointments would present a different question. "The Republicans had been excluded from all offices from the first origin of the division into Republican and Federalist. They had a reasonable claim to vacancies till they occupied their due share." He hoped, however, "the body of the nation, even that part which French excesses forced over to the Federal side, would rejoin the Republicans, leaving only those who were pure Monarchists, and who would be too few to form a sect." He spoke coolly of the state of the ballot in the House, and apprehended there might be no election, in which case the Government would expire on the third of March, and there would be no authority to reorganize it, "but in the people themselves." "They might authorize a convention to reorganize and even amend the machine." He remarked: "There are ten individuals in the House of Representatives, any one of whom, changing his vote, may save us this troublesome operation."<sup>1</sup>

He made the following entry in his Ana:

*"February the 14th.*—General Armstrong tells me that Gouverneur Morris, in conversation with him to-day on the scene which is passing, expressed himself thus: 'How comes it,' says he, 'that Burr, who is four hundred miles off (at Albany), has agents here at work with great activity, while Mr. Jefferson, who is on the spot, does nothing?' This explains the ambiguous conduct of himself and his nephew, Lewis Morris, and that they were holding themselves free for a price: i. e., some office either to the uncle or nephew."

He wrote to Monroe, February 15th:

"Four days of balloting have produced not a single change of a vote. Yet it is confidently believed by most that to-morrow there is to be a coalition. I know of no foundation for this belief. However, as Mr. Tyler waits the event of it, he will communicate it to you. If they could have been permitted to pass a law for putting the Government into the hands of an officer, they would certainly have prevented an election. But we thought it best to declare openly and firmly, one and all, that the day such an act passed, the middle States would arm, and that no such usurpation, even for a single day, should be submitted to. This first shook them; and they were completely alarmed at the resource for which we declared, to wit, a convention to reorganize the Government, and to amend it. The very word convention gives them the horrors, as in the present democratical spirit of America, they fear they should lose some of the favorite morsels of the Constitution. Many

<sup>1</sup> We do not understand how this could be. The word ten, we think, must be a typographical error for six

attempts have been made to obtain terms and promises from me. I have declared to them, unequivocally, that I would not receive the government on capitulation, that I would not go into it with my hands tied. Should they yield the election, I have reason to expect in the outset the greatest difficulties as to nominations. The late incumbents running away from their offices and leaving them vacant, will prevent my filling them without the previous advice of Senate. How this difficulty is to be got over I know not."<sup>1</sup>

Here is a hitherto unpublished family letter, of the same date :

TO MARIA JEFFERSON EFFES, BERMDA HUNDRED.

WASHINGTON, Feb. 15th, 1801.

Your letter, my dear Maria, of the 2d instant, came to hand on the 8th. I should have answered it immediately, according to our arrangement, but that I

<sup>1</sup> Under date of April 15th, 1806, there is another entry in the Ana, where to explain a conversation with Burr, and to meet allegations made in the meantime (and presently to be noticed), that he attained the Presidency by making certain stipulations with the Federalists, Mr. Jefferson records, from memory, conversations held by himself, during the election, with Mr. Morris, President Adams, and Mr. Foster, of Massachusetts. The following extract comprises all that pertains to those conversations :

"The following transactions took place about the same time, that is to say, while the Presidential election was in suspense in Congress, which, though I did not enter at the time, they made such an impression on my mind, that they are now as fresh, as to their principal circumstances, as if they had happened yesterday. Coming out of the Senate Chamber one day, I found Gouverneur Morris on the steps. He stopped me, and began a conversation on the strange and portentous state of things then existing, and went on to observe, that the reasons why the minority of States was so opposed to my being elected, were, that they apprehended that, 1. I would turn all Federalists out of office; 2. put down the navy; 3. wipe off the public debt. That I need only to declare, or authorize my friends to declare, that I would not take these steps, and instantly the event of the election would be fixed. I told him, that I should leave the world to judge of the course I meant to pursue, by that which I had pursued hitherto, believing it to be my duty to be passive and silent during the present scene; that I should certainly make no terms; should never go into the office of President by capitulation, nor with my hands tied by any conditions which should hinder me from pursuing the measures which I should deem for the public good. It was understood that Gouverneur Morris had entirely the direction of the vote of Lewis Morris, of Vermont, who, by coming over to Matthew Lyon, would have added another vote, and decided the election. About the same time, I called on Mr. Adams. We conversed on the state of things. I observed to him, that a very dangerous experiment was then in contemplation, to defeat the Presidential election by an act of Congress declaring the right of the Senate to name a President of the Senate, to devolve on him the Government during any interregnum: that such a measure would probably produce resistance by force, and incalculable consequences, which it would be in his power to prevent by negating such an act. He seemed to think such an act justifiable, and observed, it was in my power to fix the election by a word in an instant, by declaring I would not turn out the Federal officers, nor put down the navy, nor sponge the national debt. Finding his mind made up as to the usurpation of the Government by the President of the Senate, I urged it no further, observed, the world must judge as to myself of the future by the past, and turned the conversation to something else. About the same time, Dwight Foster, of Massachusetts [Senator in Congress], called on me in my room one night, and went into a very long conversation on the state of affairs, the drift of which was to let me understand, that the fears above mentioned were the only obstacle to my election, to all of which I avoided giving any answer the one way or the other. From this moment he became most bitterly and personally opposed to me, and so has ever continued. I do not recollect that I ever had any particular conversation with General Samuel Smith on this subject. Very possibly I had, however, as the general subject and all its parts were the constant themes of conversation in the private *salon* & *salon* with our friends. But certain I am, that neither he nor any other Republican ever uttered the most distant hint to me about submitting to any conditions, or giving any assurances to anybody; and still more certainly, was neither he nor any other person ever authorized by me to say what I would or would not do."

thought by waiting to the 11th I might possibly be able to communicate something on the subject of the election. However, after four days of balloting they are exactly where they were on the first. There is a strong expectation in some that they will coalesce to-morrow; but I know no foundation for it. Whatever event happens, I think I shall be at Monticello earlier than I formerly mentioned to you. I think it more likely I may be able to leave this place by the middle of March. I hope I shall find you at Monticello. The scene passing here makes me pant to be away from it; to fly from the circle of cabal, intrigue, and hatred, to one where all is love and peace. Though I never doubted of your affections, my dear, yet the expressions of them in your letter give me ineffable pleasure. No, never imagine that there can be a difference with me between yourself and your sister. You have both such dispositions as engross my whole love, and each so entirely that there can be no greater degree of it than each possesses. Whatever absences I may be led into for a while, I look for happiness to the moment when we can all be settled together no more to separate. I feel no impulse from personal ambition to the office now proposed to me, but on account of yourself and your sister and those dear to you. I feel a sincere wish indeed to see our Government brought back to its republican principles, to see that kind of government firmly fixed to which my whole life has been devoted. I hope we shall now see it so established, as that when I retire it may be under full security, that we are to continue free and happy. As soon as the fate of the election is over I will drop a line to Mr. Epes. I hope one of you will always write the moment you receive a letter from me. Continue to love me, my dear, as you ever have done, and ever have been and will be by yours affectionately,

TE. JEFFERSON.

This is the last expression we have from him during the contest. Here is Randolph's concluding bulletin:

CHAMBER OF THE HOUSE OF REPRESENTATIVES,

February 17th.

On the thirty-sixth ballot there appeared this day ten States for Thomas Jefferson, four (New England) for A. Burr, and two blank ballots (Delaware and South Carolina). This was the second time that we balloted to-day.

The four Burr-ites of Maryland put blanks into the box of that State. The vote was therefore unanimous. Mr. Morris of Vermont left his seat, and the result was therefore Jeffersonian. Adieu. Tuesday, two o'clock P.M.

J. R., JR.

I need not add that Mr. J. was declared duly elected.

Thus the great struggle ended, and Mr. Jefferson's version and view of the closing scenes are, immediately thereafter, given, in two letters to his most confidential correspondents. Subsequent events will be found to give these letters a high significance:

TO JAMES MADISON.

WASHINGTON, Feb. 18, 1801.

DEAR SIR:

Notwithstanding the suspected infidelity of the post, I must hazard this communication. The minority in the House of Representatives, after seeing the impos-

sibility of electing Burr, the certainty that a legislative usurpation would be resisted by arms, and a recourse to a convention to reorganize and amend the Government, held a consultation on this dilemma, whether it would be better for them to come over in a body, and go with the tide of the times, or by a negative conduct suffer the election to be made by a bare majority, keeping their body entire and unbroken, to act in phalanx on such ground of opposition as circumstances shall offer; and I know their determination on this question only by their vote of yesterday. Morris of Vermont withdrew, which made Lyon's vote that of his State. The Maryland Federalists put in four blanks, which made the positive tickets of their colleagues the vote of the State. South Carolina and Delaware put in six blanks. So there were ten States for one candidate, four for another, and two blanks. We consider this, therefore, as a declaration of war on the part of this band. But their conduct appears to have brought over to us the whole body of Federalists, who, being alarmed with the danger of a dissolution of the Government, had been made most anxiously to wish the very Administration they had opposed, and to view it, when obtained, as a child of their own.

\* \* \* \* \*

To N. R—.

WASHINGTON, February 19, 1801.

After exactly a week's balloting, there at length appeared ten States for me, four for Burr, and two voted blanks. This was done without a single vote coming over. Morris of Vermont withdrew, so that Lyon's vote became that of the State. The four Maryland Federalists put in blanks, so then the vote of the four Republicans became that of their State. Mr. Huger of South Carolina (who had constantly voted for me) withdrew by agreement, his colleagues agreeing in that case to put in blanks. Bayard, the sole member of Delaware, voted blank. They had before deliberated whether they would come over in a body, when they saw they could not force Burr on the Republicans, or keep their body entire and unbroken to act in phalanx on such ground of opposition as they shall hereafter be able to conjure up. Their vote showed what they had decided on, and is considered as a declaration of perpetual war; but their conduct has completely left them without support. Our information from all quarters is that the whole body of Federalists concurred with the Republicans in the last elections, and with equal anxiety. They had been made to interest themselves so warmly for the very choice, which, while before the people, they opposed, that when obtained it came as a thing of their own wishes, and they find themselves embodied with the Republicans, and their quondam leaders separated from them, and I verily believe they will remain embodied with us, so that this conduct of the minority has done in one week what very probably could hardly have been effected by years of mild and impartial administration. A letter from Mr. Eppes informs me that Maria is in a situation which induces them not to risk a journey to Monticello, so we shall not have the pleasure of meeting them here. I begin to hope I may be able to leave this place by the middle of March. My tenderest love to my ever dear Martha, and kisses to the little one. Accept yourself sincere and affectionate salutation. Adieu.<sup>1</sup>

<sup>1</sup> The last sentences seem to show, without a doubt, what we have before suggested, that this correspondent (whose initials cannot be identified as belonging to any of Mr. Jefferson's friends) was really his son-in-law, Colonel Thomas Mann Randolph. The



- It has been assumed that Mr. Jefferson was under deep obligations of gratitude to those Federalists who finally threw away their votes and permitted his election. He appears to have been indebted to them in the same manner and degree that he who is not blown up by a mine on which he stands, is indebted to the forbearance of his foe who could not fire it without rendering himself the first and certain victim.

Two weeks more would have ended the constitutional Government. In the event of interregnum and anarchy, what hopes would there have been for the authors of the evil? In Maryland, where the Presidential vote had been balanced, the Republicans had carried the legislature elected since the acting members of Congress. New Jersey, nearly balanced in the present House, had been triumphantly swept by the Republicans in the last Congressional elections. The popular majority in Pennsylvania was large. New York had been carried by the same party. The southern and western States were overwhelmingly Republican.

Nor were election statistics any real test of relative strength. During that week of dread suspense, as mail after mail spread the intelligence of the scene going on at the capital, the light snow never wasted under the sun of June as wasted away the Federal party. The people west and south of the Hudson, with almost united voice, declared the conduct of the Federal members of Congress a most gross, dangerous and wanton violation of the spirit of our Constitution and system of Government. Astonishment, alarm, and rage swept like succeeding waves over the land. If the effect was less apparent on the compact Federal masses of New England, there, too, it had weakened that party most seriously and created a formidable minority.

And the Republicans were fortunately situated for the crisis in some incidental particulars. The two great central States which held the capital wedged between them—containing more population than all New England, and considerably upwards of one-fourth of the entire population of the Union<sup>1</sup>—were not only strongly Republican, but they had Executives as well adapted to such an emergency as if it had been foreseen and formed the

Artificial direction must, we think, have been given for the reasons alluded to in the first sentence of the preceding letter to Madison.

<sup>1</sup> See United States Census of 1800.

especial ground of their selection. For intellectual and executive ability, combined with iron will and that high energy which always takes the initiative where contest is unavoidable, Governor McKean probably had not his superior in the United States. Governor Monroe was of milder frame, but was as resolute a man as there was on earth when his judgment bade him act. He had military experience, he had the profound love and confidence of his people. When either of these Executives unfurled the banner of his State against a usurpation, there would be left no minority in that State.

It would be vain to deny that both parties had the arbitration of arms distinctly in contemplation, as the sequel to a usurpation, or to settle, if necessary, the anarchy of an interregnum. We find Porcupine's Gazette abounding in extracts from Federal newspapers exhorting their partisans to stand firm and defy the threats of the Republicans, declaring that any member of their party "would consecrate his name to infamy" who should "meanly and inconsistently lend his aid to promote" Jefferson's election. One Federal statistician, after enumerating the Massachusetts militia, declaring that Connecticut and New Hampshire are united almost to a man, and that at least half the citizens of eleven other States are "ranged under the Federal banner in support of the Constitution," wishes to know "what could Pennsylvania, aided by Virginia," do under such circumstances?

Cobbet thus discoursed on this topic in his paper on the 14th or 15th of February :

"The alarmists have been systematic in the work. At a meeting of them in Philadelphia some weeks since, it was threatened, nor has the menace been recalled, that they would march to Washington and settle the election with the bayonet. The same menaces were thrown out in a toast and sung at a Republican festival at Petersburg [Virginia], when the Governor [Monroe] himself made one of the party, and they have been repeated at a number of other meetings held pretendedly to celebrate the election of Mr. Jefferson, before he was ever chosen! but in reality to stir up mad spirits of the nation to action.

"The Washington Federalist [the Federal organ at the capital] has noticed those repeated menaces in its last number, and in exhibiting the superior strength of the Federalists, in an extremity which their opponents are so ready in inviting (but in which they will take care to leave their dupes only to act). The Federalists are charged with threatening war; and those observations of an individual editor are termed a manifesto of the party for war *Bella, horrida Bella!*

But let them denominate the piece either a manifesto or a declaration of war,

they may thank themselves for it; and let the consequences be what they may, the guilt will lie at their own doors as being the aggressors, and bringing forward the *lex talionis* of the Federalists."

We have seen in Jefferson's letter to Monroe, February 15th, that the Republicans in Congress had "declared openly and firmly one and all "to their opponents that the day" an act was passed for putting the government into the hands of an officer, "the middle States would arm, and that no such usurpation, even for a single day, should be submitted to." He said but for this, "they would have prevented an election." We soon shall bring some very authoritative testimony from the other side to confirm the last statement.

Jefferson wrote Governor McKean, March 9th, that he would have cheerfully taken the place of Vice-President, had Burr been elected; "because, however, it might have been variant from the intentions of the voters, yet it would have been agreeable to the Constitution." "But," he added, "in the event of a usurpation, he was decidedly of those who were determined not to permit it; because that precedent once set, would be artificially reproduced and end soon in a dictator. Virginia was bristling up he believed. He should know the particulars from Governor Monroe." If we had the letter of McKean to which this is an answer, we suspect we should find in it some particulars of the "bristling up" of Pennsylvania.

Burr's conduct during the long struggle in the House was characteristic. His tools wrote wheedling letters, and he remained at Albany shrouded in mystery.<sup>1</sup> When he found the Federalists were preparing to disregard his letter to General Smith (and we suspect he well knew why they disregarded it), it was his duty equally to his party, to himself, and to his country, to repair at once to the seat of Government, or take other equally effectual means to assure friend and foe that he deprecated the meditated attempt to make him President, and would under no circumstances avail himself of an election thus secured.<sup>2</sup> This would have nipped the scheme in the bud.

He has only the merit of not having promised to embrace Federal doctrines in the event of his election, and of not having

<sup>1</sup> Hammond's Political History of New York, vol. i. p. 142.

<sup>2</sup> His immediate resignation or refusal to qualify, in case of an election, would have devolved the Presidency on the Vice-President, who would, necessarily, have been Jefferson.

directly interfered, so far as is known, to induce Republicans to abandon the support of Jefferson and vote for him. The first merit could not be a great one, so long as the Federalists supported him, to the pitch of desperation, without any such promises. There was but one State (Maryland) in which the change of a single vote would secure him another State, and where anybody pretended he could obtain such vote. He lacked three States of a majority.<sup>1</sup> There is no real reason for believing that his most desperate personal attempts, his most profuse promises, could have secured him the election. Others, at least, were free enough to promise for him. It would have been a very serious thing for any Republican to have changed his vote in that terrible struggle. Great would have been the reward sufficient to tempt even a corrupt man, unless he had nerves of steel, to make himself a by-word of infamy and be hissed and hooted at wherever he exhibited his dishonored head.

There is no proof (even the extent of their own allegations) that Burr did not secretly try every joint of the moral armor of such Republicans as he dared to approach. We, at least, know that his most confidential agent commenced to tamper with some of them. Had the prospect of success looked inviting, all the analogies of his corrupt career lead to the inference he would have followed it up. It would be a fanciful hypothesis that a man ever found so ready to perpetrate baseness on slight temptation, would have shrunk from it with so high a prize in view as the Presidency. If he left others to act for him, we may presume he considered that degree of precaution necessary for his safety. We allude not to physical safety. But without any efficient minority to sustain him—with a Senate to reject the nominations, and a House to treat with scorn the recommendations of the detected briber—with the open contumely of a Congress and nation poured upon him personally and officially, the Presidency would have been too dear a bargain for even Aaron Burr.

<sup>1</sup> No one familiar with the history of men or parties at the time, will believe that Burr could have procured the single vote cast for Jefferson in either Vermont, Georgia or Tennessee. Two members changing their votes in New York, two in New Jersey, and one in Maryland, would have given him those States, and it has been assumed that he could have procured them by corrupt appliances in some cases and deceit in others: but as already said, there is no proof whatever of that fact, and all the real probabilities are the other way.

## CHAPTER XII.

1801.

Inside View of Federal Camp during closing Election Scenes—Bayard to Hamilton—Proof that the Federalists contemplated desperate Measures—Jefferson's Statements in Ana in regard to Bayard—Clayton's Interrogatories to Smith and Livingston in the Senate on the Subject—Their Replies and Remarks of Hayne and others—The fair Conclusion derivable from the Facts—Burr's Libel Suit against Cheetham—Bayard's Affidavit—The Wager Suit between Gillespie and Smith—Bayard's and Smith's Affidavits—Burr's Agency in obtaining these while visiting and holding out Menaces to Jefferson—He attempts surreptitiously to alter Smith's Affidavit—Jefferson's Comments on Bayard's Affidavit in Ana—General Smith's Letter explanatory of his Affidavit—Its valuable Explanations in other particulars—Later Disquisitions and Madison's Reply—The real Attitude of Jefferson and his Opponents towards each other at the close of the Election in 1801—Bayard's later Letters and Speeches illustrative of this—Closing Acts of Adams's Administration—French Treaty ratified with an Exception—The Judiciary Bill—Wolcott appointed one of the Judges—His and the President's Correspondence—Wolcott's Conduct characterized—Marshall's anomalous Official Position—Expiration of Sedition Law—Its Decease contemporaneous with that of the National Federal Party—How the News of Jefferson's Election was publicly Received—His Feelings towards the Body of the Federalists—His Farewell to the Senate and its answering Address—His Reputation as a Presiding Officer—Inaugural Ceremonies—His Inaugural Address—Its Character as a Literary and Political Production—President's Letter to John Dickinson—Explanatory Letter to Governor Monroe—The Cabinet Appointments—Mr. Madison—Sketch of Colonel Dearborn—Sketch of Mr. Lincoln—Character of Gallatin—Samuel and Robert Smith—Mr. Granger—Dawson dispatched to France with Treaty—President's Letter to Thomas Paine—Permits him to Return to United States in a Public Vessel—Comments of the Federal Press and Clergy thereon—Justice of their Strictures considered—Paine's Visit to Monticello—Jefferson to Priestley—His Letter to Robinson—He was not understood in New England, and did not understand the New England Character—Least of all did he understand its Clergy—Character of the Virginia Clergy—Different Circumstances of New England Clergy—Religious Character of New England Emigrations—The Religious Principle paramount in the Social Organization—The Government essentially Hierocratic—The Clergy extended their Supervision to all Moral Subjects—The System towards the close of the Eighteenth Century—Character of the Clergy at that period—Sources of their Hostility to Jefferson—The Mistake of both sides.

THE best inside view of the closing scenes in the Federal camp preceding the late election, is derived from a letter from Bayard to Hamilton, which we present entire. It is entitled

to calm and close scrutiny in its several parts, and as a whole :

WASHINGTON, 26<sup>th</sup> March, 1801.

DEAR SIR :

I left Washington on the 5th and arrived here last evening. The letter which you did me the honor to write the 22d ultimo, reached me on the 4th, when I was occupied in arrangements for leaving the seat of Government.

I remained in Washington on the 4th through necessity, though not without some curiosity to see the inauguration and to hear the speech. The scene was the same as exhibited upon former occasions, and the speech, in political substance, better than we expected; and not answerable to the expectations of the partisans of the other side.

After the inaugural ceremonies, most of the Federal gentlemen paid their respects to the President and the Vice, and were received with very decent respect.

Mr. Adams did not attend. He has been sufficiently humbled to be allowed to be absent. Your views in relation to the election differed very little from my own, but I was obliged to yield to a torrent which I perceived might be diverted, but could not be opposed.

In one case I was willing to take Burr, but I never considered it as a case likely to happen. If by his conduct he had completely forfeited the confidence and friendship of his party, and left himself no resort but the support of the Federalists, there are many considerations which would have induced me to prefer him to Jefferson. But I was enabled soon to discover that he was determined not to shackle himself with Federal principles; and it became evident that if he got in without being absolutely committed in relation to his own party, that he would be disposed and obliged to play the game of McKean upon an improved plan and enlarged scale.

In the origin of the business I had contrived to lay hold of all the doubtful votes in the House, which enabled me according to views which presented themselves, to protract or terminate the controversy.

This arrangement was easily made, from the opinion readily adopted from the consideration, that representing a small State without resources which could supply the means of self-protection, I should not dare to proceed to any length which would jeopardize the Constitution or the safety of any State. When the experiment was fully made, and acknowledged upon all hands to have completely ascertained that Burr was resolved not to commit himself, and that nothing remained but to appoint a President by law, or leave the Government without one, I came out with the most explicit and determined declaration of voting for Jefferson. You cannot well imagine the clamor and vehement invective to which I was subjected for some days. We had several caucuses. All acknowledged that nothing but desperate measures remained, which several were disposed to adopt, and but few were willing openly to disapprove. We broke up each time in confusion and discord, and the manner of the last ballot was arranged but a few minutes before the ballot was given. Our former harmony, however, has since been restored.

The public declarations of my intention to vote for Jefferson, to which I have alluded, were made without a general consultation, knowing that it would be an easier task to close the breach which I foresaw, when it was the result of an act done without concurrence, than if it had proceeded from one against a decision of the party. Had it not been for a single gentleman from Connecticut, the eastern States would finally have voted it blank, in the same manner as done by South

Carolina and Delaware; but because he refused, the rest of the delegation refused, and because Connecticut insisted on continuing the ballot for Burr, New Hampshire, Massachusetts, and Rhode Island, refused to depart from their former vote.

The means existed of electing Burr; but this required his coöperation. By deceiving one man (a great blockhead), and tempting two (not incorruptible), he might have secured a majority of the States. He will never have another chance of being President of the United States; and the little use he has made of the one which has occurred, gives me but an humble opinion of the talents of an unprincipled man.<sup>1</sup>

It will be observed that Mr. Bayard asserts that at the last caucus of the Federalists, it was admitted that Burr could not be elected—that nothing but “desperate measures” remained to defeat Jefferson—that several were disposed to adopt, and that “few were willing openly to disapprove” of them. Mr. Bayard, some years after, declared in an affidavit that: “In the morning of the day (on which the last ballot was taken) there was a general meeting of the party, where it was generally admitted that Mr. Burr could not be elected; but some thought it better to persist in our vote, and to go without a President rather than to elect Mr. Jefferson.”

The preceding letter to Hamilton clearly conveys the inference that Bayard ultimately acted against the wishes of a decided majority of his own party, and that they received his determination with continued “clamor and invective.”

His testimony concurs with Morris’s, in proving that “desperate measures” were contemplated to defeat Jefferson. Morris declares what the desperate measure was. Adams’s letter to Gerry, already quoted,<sup>2</sup> leaves no doubt that he too was informed of its nature.

Professor Tucker, in his *Life of Jefferson*, says: “General Lee, of Virginia, it is said, was earnest in advising this desperate measure.” This specific statement has been before the public twenty years, and we are not aware that it has been contradicted.<sup>3</sup>

Yet when an imputation against the Federalists of such designs appeared in Jefferson’s contemporaneous correspondence, published after his death, they were fiercely denied and pronounced, as usual, wicked fabrications. Certificate makers,

<sup>1</sup> For this letter, see Hamilton’s Works, vol. vi. p. 522. The word Washington, in the date, is an obvious misprint.

<sup>2</sup> See ante, p. 588.

<sup>3</sup> It is possible that a public contradiction has escaped our notice.

and affidavit makers, we believe, as usual, took the field against his veracity !<sup>1</sup>

We have already quoted the following passage from Mr. Jefferson's *Ana* in its chronological order of occurrence :

"*February the 12th, 1801.*—Edward Livingston tells me, that Bayard applied to-day or last night to General Samuel Smith, and represented to him the expediency of his coming over to the States who vote for Burr, that there was nothing in the way of appointment which he might not command, and particularly mentioned the secretaryship of the navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas who confirms it to me. Bayard in like manner tempted Livingston, not by offering any particular office, but by representing to him his, Livingston's, intimacy and connection with Burr; that from him he had everything to expect, if he would come over to him. To Dr. Linn of New Jersey, they have offered the government of New Jersey. See a paragraph in Martin's Baltimore paper of February the 10th, signed, 'A LOOKER ON,' stating an intimacy of views between Harper and Burr."

It appears from Gales and Seaton's Register of Debates in Congress, that on the 28th day of January, 1830, in the debate on Foote's resolution, Mr. Clayton, of Delaware, asked Senator Benton, who was entitled to the floor, to give way to allow him to call the attention of two Senators to a passage in a book which had been cited in the debate by a Senator from South Carolina (Colonel Hayne); and he then read from the fourth volume of Jefferson's works, page 515 (Randolph's edition), the preceding extract to the words "confirms it to me."<sup>2</sup>

The report proceeds :

"Mr. Clayton then called upon the Senators from Maryland and Louisiana, referred to in this passage, to disprove the statement here made.

<sup>1</sup> One of the filial biographers, Mr. Gibbs, grows loose and violent in his assertions towards the close of his work. Did he derive the following ideas from "warm-hearted" Wolcott?

"There is one allegation touching the intentions of the Federalists in this election [1801], which cannot too often be stamped with falsehood. It was that they contemplated preventing any choice of President, and by force of their majority [majority counting by heads] in Congress placing the office in commission. The charge is supported only by the assertions of Jefferson, is without corroboration from any source, and has been contradicted by the oaths of men whose bare word was worth more than his most solemn adjurations [!!] But what shall be said of the charges of the anti-Federalists against each other—the secrets of their party which time has disclosed or vindictiveness invented? What of the duplicity of Jefferson, as exhibited in the contemporaneous letters to his friend and rival? What of his alleged fraudulent declaration of the vote of Georgia? What of the intrigues which it is said that Burr carried on with the enemy? The sins of Federalism were at least not those of dishonesty!!"—*Gibbs's Memoirs, etc.*, vol. ii. p. 499.

<sup>2</sup> The quotation in Gales and Seaton's report breaks off here, but the character, "etc.," is placed at the end of it. We should suppose, therefore, Mr. Clayton stopped reading at that point, adding "and so forth." If this is so, the omission of what followed is curious.



"Mr. Smith of Maryland, rose and said, that he had read the paragraph before he came here to-day, and was, therefore, aware of its import. He had not the most distant recollection that Mr. Bayard had ever made such a proposition to him. Mr. Bayard [said he] and myself, though politically opposed, were intimate personal friends, and he was an honorable man. Of all men, Mr. Bayard would have been the last to make such a proposition to any man; and I am confident that he had too much respect for me to have made it, under any circumstances. I never received from any man any such proposition.

"Mr. Livingston of Louisiana, said that, as to the precise question which had been put to him by the Senator from Delaware, he must say, that having taxed his recollection, as far as it could be on so remote a transaction, he had no remembrance of it."

What followed was not of much consequence, and we shall glean but a few passages. Mr. Clayton declared that "it was no part of his purpose to tarnish the fame of Mr. Jefferson." Mr. Benton replied with warmth, "denouncing the proceeding as an attack upon Mr. Jefferson." Colonel Hayne commented on what had transpired two days afterwards. After mentioning that "by his political friends no man was ever so much admired, respected, and beloved" as Mr. Jefferson, that "he was feared and hated, slandered and reviled by his enemies," he added:

"In one respect, however, he was certainly the most fortunate of men. Not having outlived the gratitude and affection of his friends, he lived down the hostility of his enemies. Time and opportunity convinced all parties that, in that great and good man were found, in happy combination, all those extraordinary endowments and rare virtues which made him an honor to the age in which he lived. Sir, he descended to the tomb, not only 'full of years and full of honors,' but occupying at the moment when he closed his mortal career, the very first place in the hearts of millions of freemen.

Colonel Hayne also spoke handsomely of Mr. Bayard, and he offered a theory of explanation between Mr. Jefferson's memorandum of February 12th, 1801, and the statements of General Smith and Mr. Livingston. He said:

"For my own part I can have no doubt, when Mr. Jefferson made the entry in his note book, on the very day on which the transaction took place, that he actually received the impression which he states from the conversation of one at least of the gentlemen named; and yet, sir, what can be more natural than to suppose that a loose and careless conversation, reaching Mr. Jefferson through circuitous channels, may have been entirely misunderstood? A familiar, a pleasant conversation, between Mr. Bayard and his friend General Smith, on the political prospects of the latter gentleman (then as bright as those of any man in the country), repeated by

\* These words are quoted by Mr. Clayton. Mr. Benton's remarks are not reported

him carelessly, or probably in jest, may have for a short time made an impression on the minds of Mr. Livingston and Wilson Cary Nicholas, which these gentlemen, or one of them, assuredly conveyed to Mr. Jefferson."<sup>1</sup>

Mr. Clayton replied, again disavowing that he intended to say aught against Mr. Jefferson, and declaring that "he entertained as high an opinion of the reputation of that great statesman as others who made much greater professions, and would not pluck a flower from the chaplet of his fame." But "at every hazard, let the consequences fall where they might," he would protect the memory of Mr. Bayard from such imputations. Here the matter dropped.

The frank answer of General Smith to Mr. Clayton, and his well-known character, leave no doubt of his sincerity; and we hardly need to add that he entertained none of Mr. Jefferson's, on this subject—as we are informed by his son, General J. Spear Smith, of Baltimore.

When Mr. Clayton put his questions in the Senate, one of Mr. Jefferson's alleged informants was dead; and the other said that "as to the precise question that had been put to him," he had "no remembrance of it." No man used the English language more accurately or significantly than Edward Livingston. The bearing of the word "precise" in his answer cannot be very well mistaken.

Jefferson's record of the conversation was made at the time. He might, however, have misapprehended the "precise" tenor of the propositions imputed to Bayard. There was evidently a mistake somewhere, and we are willing to believe that it was an unintentional one all round. Bayard stands fairly acquitted of the particular charge, and as no other one was substituted by those, if any, who were qualified to make it, we are bound to leave him exonerated from all imputations in the matter.<sup>2</sup>

Some other topics connected with the election of 1801 have been made the subjects of later controversy. So far as we enter

<sup>1</sup> This same theory, of a playful conversation between Smith and Bayard, was, we think, hinted at by a Federal member of the sixth Congress, in a statement made to defend the memory of Mr. Bayard from the imputations of Mr. Jefferson.

<sup>2</sup> We shall find Bayard swearing that "it was reported" that Livingston was "the confidential agent" of Burr in the election scene of 1801—that he [Bayard] "took an occasion to sound Livingston on the subject," intimating "that having it in his power to terminate the contest, he should do so, unless he [Livingston] could give him some assurance" that the Federalists "might calculate upon the change in the votes of some members of his party," etc. etc. This shows that pretty free conversations took place between Bayard and Livingston on the occasion, and it also points to a kind of conversations, which left a wide door open for misconceptions.

upon their examination, we will do it now, while all the main facts are fresh in our narrative.

Aaron Burr was scourged out of the Republican party for his conduct in the election of 1801. Among his most bitter assailants was James Cheetham, editor of the *American Citizen*, the organ of the main body of the Republicans in New York. Burr commenced a prosecution against Cheetham for a libel in 1804, and the testimony of James A. Bayard was taken by commission. Its main tenor was a denial that Burr, so far as the knowledge of the witness went, took any steps whatever to secure his election, and an explanation of the particular circumstances and motives under which Mr. Bayard and his friends acted in terminating the contest. It is too long for insertion here, but as a curious and reliable contribution to the minute history of that great struggle, we present it entire in Appendix.<sup>1</sup>

Having obtained this affidavit, Burr suffered the suit to drop.

Davis, in his *Memoirs of Burr*, gives the following explanations in regard to this and a later case :

"In the year 1804, a suit was instituted by Colonel Burr against James Cheetham, editor of the *American Citizen*, for a libel, in charging him with intriguing for the Presidency. This suit was commenced by Mr. Burr with reluctance, and only to gratify personal friends. It progressed tardily, impediments having been thrown in the way of bringing it to trial by the defendant, and probably the cause not sufficiently pressed by the complainant. In 1805 or 1806, some persons who were really desirous of ascertaining not only the truth or falsity of the charge, but whether there was any foundation for it, determined on having a wager-suit placed at issue on the records of the court, and then take out a commission to examine witnesses. Accordingly, the names of James Gillespie, plaintiff, and Abraham Smith, defendant, were used. The latter at the time being a clerk in the store of Mathew L. Davis, then in the mercantile business, trading under the firm of Strong and Davis.

A commission was accordingly taken out, and, on the 3d of April, 1806, Mr. Bayard and Mr. Smith were examined. No use, however, was made of these depositions until December, 1830, being a period of nearly twenty-five years."<sup>2</sup>

One of the interrogatories propounded to both Bayard and Smith, was as follows :

#### FIFTH INTERROGATORY.

*Fifth.*—Do you or do you not know, or have you heard so that you believe, of any negotiations, bargains, or agreements in the year 1800 or 1801, after the said

<sup>1</sup> See APPENDIX, No. 19.

<sup>2</sup> Vol. II. pp. 100, 101

equality became known, and before the choice of the President, by or on behalf of any person, and whom, with the parties called Federal or Republican, or with either of them, or with any individual or individuals, and whom, of either of the said parties, relative to the office of President of the United States? If yea, declare the particulars thereof, and the reasons of such your belief.

We give their depositions entire :

*Deposition of the Honorable James A. Bayard, a witness produced, sworn, and examined in a cause depending in the Supreme Court of the State of New York, between James Gillespie, plaintiff, and Abram Smith, defendant, on the part of the plaintiff, follows :*

To the first interrogatory, deponent answers and says : I do not know either the plaintiff or defendant.

To the second interrogatory, he answers and says : I was personally acquainted with Thomas Jefferson before he became President of the United States, the precise length of time I do not recollect. The acquaintance did not extend beyond the common salutation upon meeting, and accidental conversation upon such meetings.

To the third interrogatory, he answers and says : I was a member of the House of Representatives of the United States, during the fifth, sixth, and seventh Congresses, from the 3d of March, 1797, to the 3d of May, 1803.

To the fourth interrogatory, he answers and says : The electoral votes for Thomas Jefferson and Aaron Burr, for President of the United States, were equal, and that the choice of one of them as President did devolve on the House of Representatives.

To the fifth interrogatory, he answers and says : I presume this interrogatory points to an occurrence which took place before the choice of President was made, and after the balloting had continued for several days, of which I have often publicly spoken. My memory enables me to state the transaction, in substance, correctly, but not to be answerable for the precise words which were used upon the occasion. Messrs. Baer and Craig, members of the House of Representatives from Maryland, and General Morris, a member of the House from Vermont, and myself, having the power to determine the votes of the States, from similarity of views and opinions during the pendency of the election, made an agreement to vote together. We foresaw that a crisis was approaching which might probably force us to separate, in our votes, from the party with whom we usually acted. We were determined to make a President, and the period of Mr. Adams's Administration was rapidly approaching.

In determining to recede from the opposition to Mr. Jefferson, it occurred to us, that probably instead of being obliged to surrender at discretion, we might obtain terms of capitulation. The gentlemen whose names I have mentioned, authorized me to declare their concurrence with me upon the best terms that could be procured. The vote of either of us was sufficient to decide the choice. With a view to the end mentioned, I applied to Mr. John Nicholas, a member of the House from Virginia, who was a particular friend of Mr. Jefferson. I stated to Mr. Nicholas, that if certain points of the future Administration could be understood and arranged with Mr. Jefferson, I was authorized to say that three States would

withdraw from an opposition to his election. He asked me what those points were. I answered, first, sir, the support of public credit; secondly, the maintenance of the naval system; and, lastly, that subordinate public officers employed only in the execution of details, established by law, shall not be removed from office on the ground of their political character, nor without complaint against their conduct. I explained myself, that I considered it not only reasonable, but necessary, that offices of high discretion and confidence should be filled by men of Mr. Jefferson's choice. I exemplified by mentioning, on the one hand, the offices of the Secretaries of State, Treasury, foreign ministers, etc., and, on the other, the collectors of ports, etc. Mr. Nicholas answered me, that he considered the points as very reasonable; that he was satisfied that they corresponded with the views and intentions of Mr. Jefferson, and knew him well. That he was acquainted with most of the gentlemen who would probably be about him and enjoying his confidence, in case he became President, and that if I would be satisfied with his assurance, he could solemnly declare it as his opinion, that Mr. Jefferson, in his administration, would not depart from the points I had proposed. I replied to Mr. Nicholas, that I had not the least doubt of the sincerity of his declaration, and that his opinion was perfectly correct, but that I wanted an engagement, and that if the points could in any form be understood as conceded by Mr. Jefferson, the election should be ended, and proposed to him to consult Mr. Jefferson. This he declined, and said he could do no more than give me the assurance of his own opinion as to the sentiments and designs of Mr. Jefferson and his friends. I told him that was not sufficient, that we should not surrender without better terms. Upon this we separated, and I shortly after met with General Smith, to whom I unfolded myself in the same manner that I had done to Mr. Nicholas. In explaining myself to him in relation to the nature of the offices alluded to, I mentioned the offices of George Latimer, collector of the port of Philadelphia, and Allen McLane, collector of Wilmington. General Smith gave me the same assurance as to the observance, by Mr. Jefferson, of the points which I had stated, which Mr. Nicholas had done. I told him I should not be satisfied, nor agree to yield, till I had the assurance from Mr. Jefferson himself; but that if he would consult Mr. Jefferson, and bring the assurance from him, the election should be ended. The General made no difficulty in consulting Mr. Jefferson, and proposed giving me his answer next morning. The next day, upon our meeting, General Smith informed me that he had seen Mr. Jefferson, and stated to him the points mentioned, and was authorized by him to say, that they corresponded with his views and intentions, and that we might confide in him accordingly. The opposition of Vermont, Maryland, and Delaware was immediately withdrawn, and Mr. Jefferson was made President by the votes of ten States.

To the sixth interrogatory the deponent answers and says: I was introduced to Mr. Burr the day of Mr. Jefferson's inauguration as President. I had no acquaintance with him before, and very little afterwards, till the last winter of his Vice-Presidency, when I became a member of the Senate of the United States.

To the seventh interrogatory deponent answers and says: I do not know, nor did I ever believe, from any information I received, that Mr. Burr entered into any negotiation or agreement with any member of either party, in relation to the Presidential election, which depended before the House of Representatives.

To the eighth interrogatory the deponent answers and says: Upon the subject of this interrogatory I can express only a loose opinion, founded upon the conjectures, at the time, of what could be effected by Mr. Burr by mortgaging the patronage of the Executive. I can only say, generally, that I did believe at the time that

he had the means of making himself President. But this opinion has no other ground than conjecture, derived from a knowledge of means which existed, and, if applied, their probable operation on individual characters. In answer to the last part of the interrogatory, deponent says: I know of nothing of which Mr. Burr was apprised which related to the election.

J. A. BAYARD.

DISTRICT OF COLUMBIA, WASHINGTON.

The deposition of the Honorable James A. Bayard, consisting of six pages, was taken and sworn to before us this 8d day of April, A.D. 1806.

STEPHEN R. BRADLEY.

GEORGE LOGAN.

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DEPOSITION OF SAMUEL SMITH.

*Deposition of the Honorable Samuel Smith, Senator of the United States, for the State of Maryland, a witness produced, sworn, and examined in a cause depending in the Supreme Court of the State of New York, between James Gillerpie, plaintiff, and Abram Smith, defendant, on the part and behalf of the defendant, as follows:*

1st. I knew Thomas Jefferson some years previous to 1800. The precise time when our acquaintance commenced I do not recollect.

2d and 3d. I was a member of the House of Representatives of the United States in 1800 and 1801, and know that Thomas Jefferson and Aaron Burr had an equal number of the votes given by the electors of President and Vice-President of the United States.

4th. Presuming that this question may have reference to conversations (for I know of no bargains or agreements) which took place at the time of the balloting, I will relate those which I well recollect to have had with three gentlemen, separately, of the Federal party. On the Wednesday preceding the termination of the election, Colonel Josiah Parker asked a conversation with me in private. He said that many gentlemen were desirous of putting an end to the election; that they only wanted to know what would be the conduct of Mr. Jefferson in case he should be elected President, particularly as it related to the public debt, to commerce, and navy. I had heard Mr. Jefferson converse on all those subjects lately, and informed him what I understood were the opinions of that gentleman. I lived in the house with Mr. Jefferson, and that I might be certain that what I had said was correct, I sought and had a conversation that evening with him on those points; and I presume, though I do not precisely recollect, that I communicated to him the conversation which I had had with Colonel Parker.

The next day, General Dayton (a Senator), after some jesting conversation, asked me to converse with him in private. We retired. He said that he, with some other gentlemen, wished to have a termination put to the pending election; but he wished to know what were the opinions or conversations of Mr. Jefferson respecting the navy, commerce, and public debt. In answer, I said that I had last night had conversation with Mr. Jefferson on all those subjects. That he had told me that any opinion he should give at this time might be attributed to improper motives. That to me he had no hesitation in saying that, as to the public debt, he had been

averse to the manner of funding it, but that he did not believe there was any man who respected his own character, who would or could think of injuring its credit at this time. That, on commerce, he thought that a correct idea of his opinions on that subject might be derived from his writings, and particularly from his conduct while he was Minister at Paris, when he thought he had evinced his attention to the commercial interests of his country. That he had not changed opinion, and still did consider the prosperity of our commerce as essential to the true interest of the nation. That, on the navy, he had fully expressed his opinion in his Notes on Virginia; that he adhered still to his ideas then given. That he believed our growing commerce would call for protection; that he had been averse to a too rapid increase of our navy; that he believed a navy must naturally grow out of our commerce, but thought prudence would advise its increase to progress with the increase of the nation, and that in this way he was friendly to the establishment. General Dayton appeared pleased with the conversation, and, I think, said that if this conversation had taken place earlier, much trouble might have been saved, or words to that effect.

At the funeral of Mr. Jones of Georgia, I walked with Mr. Bayard of Delaware. The approaching election became the subject of conversation. I recollect no part of that conversation, except his saying that he thought that a half hour's conversation between us might settle the business. That idea was not again repeated. On the day after I had held the conversation with General Dayton, I was asked by Mr. Bayard to go into the committee-room. He then stated that he had it in his power (and was so disposed) to terminate the election, but he wished information as to Mr. Jefferson's opinions on certain subjects, and mentioned (I think) the same three points already alluded to, as asked by Colonel Parker and General Dayton, and received from me the same answer in substance (if not in words) that I had given to General Dayton. He added a fourth, to wit: What would be Mr. Jefferson's conduct as to the public officers? He said he did not mean confidential officers, but, by way of elucidating his question, he said, such as Mr. Latimer of Philadelphia, and Mr. M'Lane of Delaware. I answered that I never had heard Mr. Jefferson say anything on that subject. He requested that I would inquire, and inform him the next day. I did so; and the next day (Saturday) told him that Mr. Jefferson had said that he did not think that such officers ought to be dismissed on political grounds only, except in cases where they had made improper use of their offices, to force the officers under them to vote contrary to their judgment. That as to Mr. M'Lane, he had already been spoken to in his behalf by Major Eccleston, and from the character given him by that gentleman, he considered him a meritorious officer; of course, that he would not be displaced, or ought not to be displaced. I further added that Mr. Bayard might rest assured (or words to that effect) that Mr. Jefferson would conduct, as to those points, agreeably to the opinions I had stated as his. Mr. Bayard then said, we will give the vote on Monday, and we separated. Early in the election, my colleague, Mr. Baer, told me that we should have a President, that they would not get up without electing one or the other gentleman. Mr. Baer had voted against Mr. Jefferson until the final vote, when, I believe, he withdrew, or voted blank, but do not perfectly recollect.

5th. I became acquainted with Colonel Burr sometime in the Revolutionary War.

6th. I know of no agreement or bargain in the year 1800 and 1801, with any person or persons whatsoever, respecting the office of President in behalf of Aaron Burr, nor have I any reason to believe that any such existed.

7th. I received a letter from Colonel Burr, dated, I believe, 16th December, 1800, in reply to one which I had just before written him. The letter of Colonel Burr is as follows:

"It is highly improbable that I shall have an equal number of votes with Mr Jefferson; but if such should be the result, every man who knows me ought to know that I would utterly disclaim all competition. Be assured that the Federal party can entertain no wish for such an exchange. As to my friends, they would dishonor my views and insult my feelings, by a suspicion that I would submit to be instrumental in counteracting the wishes and the expectations of the people of the United States. And I now constitute you my proxy to declare these sentiments, if the occasion shall require."

I have not now that letter by me, nor any other letter from him, to refer to—the preceding is taken from a printed copy, which corresponds with my recollection, and which I believe to be correct. My correspondence with him continued until the close of the election. In none of his letters to me, or to any other person that I saw, was there anything that contradicted the sentiments contained in that letter.

S. SMITH.

*City of Washington in the District of Columbia:*

The deposition of the Honorable Samuel Smith, written upon five pages, was duly taken and sworn to before us, two of the commissioners named in the annexed commission, at the Capitol, in said city of Washington, on the fifteenth day of April, in the year of our Lord one thousand eight hundred and six, and of the Independence of the United States the thirtieth.

GEORGE LOGAN.  
DAVID STONE.

Burr was present in Washington, the active agent in obtaining these depositions, and, as we shall presently show, attempted surreptitiously to change the phraseology of Smith's affidavit, after it was made, in preparing a fair copy for his signature.

General Smith showed a press copy of his affidavit to President Jefferson the day it was made;<sup>1</sup> and the latter made an entry in his *Ana*, the same day, mentioning that about a month earlier Burr had solicited an office from him, pleaded his services, intimated "that he could do him (Jefferson) much harm." Jefferson records that he declined to meet Colonel Burr's wishes on the ground "that the public had withdrawn their confidence from him;" that he knew no cause why Burr should desire to harm him, but that "at the same time he feared no injury which any man could do him." He mentioned that Burr dined with him on the 8th of April, and called to take his leave two or three days afterwards; that is to say after and within a week of the time the latter was employed in procuring

<sup>1</sup> This will soon appear by a letter of Smith.



the preceding affidavit of Bayard, and just before he attempted to change the tenor of Smith's. Mr. Jefferson thus concludes the entry :

"I did not commit these things to writing at the time, but I do it now [April 15, 1806], because, in a suit between him (Burr) and Cheetham, he has had a deposition of Mr. Bayard taken, which seems to have no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me during the pending of the Presidential election in 1801, through General Samuel Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answers from me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any answer authorized by me. And this fact General Smith affirms at this moment."

The reference to the case of Burr and Cheetham, instead of Gillespie and Smith, is an obvious slip of the pen.

If Burr had designed to carry out his menace towards Jefferson, by publishing these affidavits, the contradiction between them thwarted his purpose.

Some doubt appears to have arisen as to the proper interpretation of General Smith's affidavit. We are enabled to settle all the questions which have been raised on this subject by a letter of his own, which we find in a correspondence between R. H. and J. A. Bayard, jr., Aaron Burr, M. L. Davis, etc., in Davis's Life of Burr.

GENERAL SAMUEL SMITH TO RICHARD H. BAYARD AND JAMES A. BAYARD.

WASHINGTON, April 24, 1806.

GENTLEMEN:

Ill health and disinclination to go back to circumstances which happened thirty years past, has prevented an earlier answer to your letter.

In the extract you have sent me from Mr. Jefferson's writings, it is said "Bayard" (alluding to his deposition) "pretends to have addressed to me, during the pending of the Presidential election in February, 1801, through General Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answer for me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, or any answer authorized by me; and this fact General Smith affirms at this moment" —to wit, 15th of April, 1806.

Yes, Gentlemen, it was (I believe) on that day I put into the hands of Mr. Jefferson a press copy of my deposition in the case of Cheetham,<sup>1</sup> in which I perfectly

<sup>1</sup> This, as what follows will show, is an obvious slip of the pen, like Jefferson's, making the title of the suit Burr *vs.* Cheetham, instead of, as it should have been, Gillespie *vs.* Smith.

recollect that I deny ever having received from Mr. Jefferson any proposition of any kind to be made by me to Mr. Bayard or any other person. Not, perhaps, in those words, but in detail to that effect; or having ever communicated any proposition of the kind as from Mr. Jefferson to Mr. Bayard.

My experience in life has shown that few men take advice unless it comports with their own views. I will, however, recommend that you let well enough alone. Your father was a bitter, most bitter enemy of Mr. Jefferson; his enmity was known to all, and, I presume, to Mr. Jefferson; it was therefore very natural for him to conclude that the suit of Cheetham had been got up for the express purpose of obtaining the oath of your father with the view of injuring him, and that your father had advised such a course. My recollection of what passed on the occasion is as strong as if it had happened yesterday. I will give you a detail in as few words as possible.

Two or three days before the election was terminated, a member who I suppose had been deputed by the Federal party, called on me to converse on the subject. I held little conversation with him. Your father then called on me, and said that he was anxious to put an end to the controversy; that in case of dissolution, Delaware never could expect to obtain her present advantages; that, if satisfied on certain points, he would terminate the contest. He then went on to state those points: they were three or four. I can now remember only three, to wit—the funding system, the navy, and the retaining or dismissal of Federalists then in office. I answered promptly that I could satisfy him fully on two of the points (which two I do not now recollect), for that I had had frequent conversations with him on them, and I stated what I understood and believed to be his opinions, and what I thought would be his rule of conduct; with which explanation your father expressed his entire satisfaction, and on the third requested that I would inform myself.

I lodged with Mr. Jefferson, and that night had a conversation with him, *without his having the remotest idea of my object*. Mr. Jefferson was a gentleman of extreme frankness with his friends; he conversed freely and frankly with them on all subjects, and gave his opinions without reserve. Some of them thought that he did so too freely. Satisfied with his opinion on the third point, I communicated to your father the next day—that from the conversation that I had had with Mr. Jefferson, I was satisfied in my own mind that his conduct on that point would be so and so. But I certainly never did tell your father that I had any authority from Mr. Jefferson to communicate anything to him or to any other person.

During the session of Congress of 1805–6, your father told me that a little lawyer in Delaware had (he supposed at the instance of Colonel Burr) endeavored to get from him a deposition touching a conversation with me; that he had refused it; that Burr had, however, trumped up a suit for the sole purpose of coercing his deposition and mine, and said that a commission to take testimony was now in the city, and that he apprised me that I might be prepared. I asked him what he would state in his deposition. He answered similar to the quotation you have sent. I told him instantly that I had communicated to him my own opinion, derived from conversation with Mr. Jefferson, and not one word from him to your father; and that my testimony would, as to that point, be in direct hostility. He then said, the little fellow will have our testimony by some means or other, and I will give mine. I answered that I would also. A few nights after, Colonel Burr called on me. I told him that I had written my deposition, and would have a fair copy made of it. He said, trust it to me, and I will get Mr. — to copy it. I did so, and, on his returning it to me, found words not mine interpolated in the copy. I struck out

those words, had it copied again, and to prevent all plea of false copying, I had a press copy taken of it. When I appeared before the commission, I found a deposition attached to that of your father, and asked how they came by that. They answered that it had been sent to them. I requested them to take it off; that I had the deposition in my hand to which alone I would swear; they did so, and my deposition was attached. The next day (I think) I called and told Mr. Jefferson what had passed, read to him the press copy, and asked him if he recollected having given to me the opinions I had detailed. He answered that he did not, but it might be so, for that they were opinions he held and expressed to many of his friends, and as probably to me as any other, and then said that he would wish to have a copy. I told him that I had no use for it; he might, and I gave him the press copy.

You have now a tolerable full view of the case, and will see that no *possible censure can attach to Mr. Jefferson*; that a diversity of opinion will arise from publication *as to your father's credibility or mine*, and that both may suffer in the public estimation. I will conclude that, during my long life, I have scarcely ever known an instance of newspaper publication between A. and B. that some obloquy did not attach to both parties.

I am, gentlemen, with respect,

Your obedient servant,

S. SMITH.

As remarked by General Smith in the last paragraph, Mr. Jefferson stands completely exonerated from any possible charge in the matter; and the question of veracity, if there is one, lies wholly between Smith himself and Bayard.

It is not difficult to suppose that both of them were perfectly sincere in their affidavits. The nature of the subject, the excitement of the occasion, the strong feelings of the parties left ample room for a misunderstanding of each other's language. Smith was the soul of honor. We know less of Bayard, but we believe his reputation was equally high in the same particular.

Without the explanations contained in Smith's letter, it has been thought that Jefferson's entry in his *Ana* of April 15th, 1806, was a cold blooded and aggressive attack on Mr. Bayard, laid aside for posthumous use. Smith's letter shows it to have been purely defensive.

Able disquisitions have appeared on this subject, in which, under the influence probably of strong preconceived views, the authors keep up that issue of veracity between Jefferson and Smith, which the latter expressly disavows. They were sufficiently answered by Mr. Madison, in 1831, without any knowledge of Smith's explanatory letter.<sup>1</sup> They furnish some testi-

<sup>1</sup> Mr. Madison's article was published in the *National Gazette*, February 5th, 1830. The article was dated January 25th.

mony which tends to show that Bayard contemporaneously put the same construction he does in his affidavit, on his conversations with Smith; but none of the witnesses mention having heard a word on the subject from Smith, much less from Jefferson. The parties to the issue therefore remain unchanged; and the issue itself is untouched by this testimony.

Mr. Madison, in his answer, takes substantially the same view we have done of the replies of Smith and Livingston to the interrogatories of Mr. Clayton in the Senate in 1830.<sup>1</sup> In every essential particular his theories and arguments accord with the facts furnished by later developments.

Jefferson's correspondence and the general cast of the circumstances during the momentous struggle in the House would have been a sufficient answer to the mistaken allegations of Bayard, in the absence of the decisive testimony we have adduced. His constant and most confidential declarations are that he will not receive the Government on capitulation. His next friend and personal organ, John Nicholas, refused even to communicate to him such a proposal. He said in advance substantially all he said to Smith, in regard to removals, in a letter to Dr. Barton, written under no necessity, and only for private and friendly inspection. His trust in a legitimate, and, to himself, successful termination, was very little shaken. Not understand-

<sup>1</sup> We will give the paragraphs of Mr. Madison's reply, pertaining to this topic, preserving his italicization:

"Opposed to this memorandum of Mr. Jefferson is, first—the declaration of Mr. Livingston on the floor of the Senate of the United States, after a lapse of about twenty-nine years, 'that as to the *precise question* put to him [touching the application of Mr. Bayard to General Smith], he must say that after having taxed his recollection, as far as it could go, on so remote a transaction, he had no remembrance of it;' implying that he might have had a conversation with Mr. Jefferson relating to the remote transaction, not within the scope of the precise question. Second—the declaration of General Smith in the same place, and after the same lapse of time, 'that he had not the most distant recollection that Mr. Bayard had ever made such a proposition to him,' adding, 'that he never received from any man any such proposition.'

"On comparing these declarations, made after an interval of so many years, with the statement of Mr. Jefferson reduced to writing at the time, it is impossible to regard them as proof, that communications were not made to him by Mr. Livingston and Mr. W. C. Nicholas, which he (Mr. Jefferson) understood to import that Mr. Bayard had made to General Smith the application as stated. And if Mr. Jefferson was under that impression, however erroneous it might be, his subsequent opinion and language in reference to Mr. Bayard, are at once accounted for. \* \* \*

"That there has been a great error somewhere is apparent; that respect for the several parties requires it to be viewed as involuntary, must be admitted; that being involuntary, it must have proceeded from misapprehensions or failures of memory; that there having been no interval for the failure of the memory of Mr. Jefferson, the error, if with him, must be ascribed to misapprehension. The resulting question, therefore, is between the probability of misapprehensions by Mr. Jefferson of the statements made to him at the time by Mr. Livingston and Mr. Nicholas, and the probability of misapprehensions or failures of memory in some one or more of the other parties; and the decision of this question must be left to an unbiased and intelligent public."

ing Burr, he had no apprehension from his intrigues; and he was convinced that the Federalists did not dare to brave the consequences of either a usurpation or interregnum.

His personal bearing must have reflected the serenity of his mind. No letter writer, so far as we have observed, mentions that he was either present or absent at the balloting, or makes any allusion whatever to his appearance or acts. We infer from this that they exhibited nothing that attracted notice—that he wore the appearance of a passive and unconcerned spectator. This only would add to the proof that he was neither in the frame of mind, nor the man, to be intimidated into a submission to dictated terms.

The degree of gratitude Mr. Jefferson owed the Federalists on this occasion has already been a subject of some comment. His own estimate of it appears in his letter to Madison, of 18th February. No Federal actor in the scene, we believe, ever made any such claim on him, or fell but with

——“unclosed eye,  
Yet lowering on his enemy.”

Bayard, chivalric towards those he had separated from, was not willing to be even suspected of any implied admission that Jefferson possessed legal, moral, or personal claims over Burr. On the day on which Jefferson was elected, President Adams nominated Bayard as Minister to France, and on the 19th February, the Senate unanimously confirmed the appointment. The latter wrote the President the same day, with his eye evidently on the fact that the vote of the Republican Senators in his favor might be understood to signify that they considered him as having made some generous concession to Mr. Jefferson in the election:

“Under most circumstances, I should have been extremely gratified with such an opportunity of rendering myself serviceable to the country. But the delicate situation in which the late Presidential election has placed me, forbids my exposing myself to the *suspicion* of having adopted, from impure motives, the line of conduct which I pursued. Representing the smallest State in the Union, without resources which could furnish the means of self-protection. I was compelled by the obligation of a sacred duty, so to act, as not to hazard the Constitution upon which the political existence of the State depends.

“The service which I should have to render, by accepting the appointment, would be under the administration of Mr. Jefferson, and having been in the number

of those who withdrew themselves from the opposition to his election, it is impossible for me to take an office, the tenure of which would be at his pleasure.

"You will, therefore, pardon me, sir, for begging you to accept my resignation of the appointment."

This was to the purpose, and manly.

In a speech made in the House of Representatives, February 20th, 1802, Mr. Bayard, in speaking of the Presidential election of the preceding year, declared "he gave his vote to the one whom he thought was the greater and better man." In his affidavit in the case of *Burr vs. Cheatham*, 1805, he said "he considered Mr. Burr personally better qualified to fill the office of President than Mr. Jefferson." His affidavit in 1806 will not probably be adjudged to exhibit any relenting.

A few more of the closing acts of President Adams's administration, and of the sixth Congress, demand our notice, before we reach the period of Mr. Jefferson's Presidency.

The new French treaty encountered various objections, but was finally approved, with the exception of Article 2d, which provided that the indemnities mutually claimed under former treaties should be the subject of future negotiation, and that in the meantime the former treaties "should have no operation." And the American Government added, in its ratification, that the convention should be (unconditionally) in force for the space of eight years. Bonaparte accepted these modifications, "provided that by this retrenchment the two States renounce the respective pretensions, which were the object of the said [second] article."

The "engine of government," which we have seen so warmly urged by Hamilton, Wolcott, and others—an extension of the judiciary—was carried; but utterly shorn of the magnificent proportions of the original scheme marked out by its projector. An act passed February 13th, reducing the justices of the Supreme Court from six to five, as soon as a vacancy should ensue, and relieving them from circuit duty; dividing the

<sup>1</sup> *Annals of Congress*, 1801-2, p. 638. The following is the passage entire:

"The public will, thus manifested, gave to the House of Representatives the choice of the two men for President. Neither of them was the man whom I wished to make President; but my election was confined, by the Constitution, to one of the two, and I gave my vote to the one whom I thought was the greater and better man. That vote I repeated, and in that vote I should have persisted, had I not been driven from it by imperious necessity. The prospect ceased of the vote being effectual, and the alternative only remained of taking one man for President, or having no President at all. I chose, as I then thought, the lesser evil."

United States into twenty-three judicial districts (each State and the territory northwest of the Ohio comprising one, with the exception of New York, Pennsylvania, Virginia and Tennessee, which comprised two each), and classing these districts into six circuits; providing for the appointment in each circuit of a chief judge and two associate judges, except in the sixth,<sup>1</sup> wherein but one was to be appointed, who was to be associated with the district judges of Tennessee and Kentucky; and vesting in these circuit courts all the powers before granted to the circuit courts of the United States, unless otherwise provided.

There may have been some good grounds for claiming that the supreme court judges were overburdened with circuit duties prior to the enactment of this law. But no one will seriously urge that any such judicial force as that created by this bill was then necessary to perform the legitimate duties of the federal courts among less than six millions of people. If any such serious claim was urged, at the time, by the originators of the law, in their private correspondences—nay, if they in such correspondences put the act at all on the basis of the inability of the existing judiciary to transact all the business brought before them—we have overlooked the facts. They do, however, assign a reason, and a pressing reason—the creation of an “engine of government,” the source of “salutary patronage,” etc. Though but a shred of Hamilton’s original, it was a most potent instrument for both these objects.

The bill passed so late that Mr. Adams had little time enough (fifteen days) to consider the claims of the partisans with whom he had determined exclusively to fill the offices. Some nominations of judges were sent into the Senate as late as nine o’clock at night of the third of March, and hence the new bench received the popular designation of “John Adams’s midnight judges.”

Among the judicial appointees was Wolcott, late Secretary of the Treasury, and this “warm-hearted” individual readily accepted this “distinguished proof” of the President’s “confidence,” which, he said, he learned from his friends “with the highest satisfaction” he owed to Mr. Adams’s “favorable opinion,” and “in no degree to their solicitation.” “Believing,” he continued, “that gratitude to benefactors was among the

<sup>1</sup> Consisting of the districts of East Tennessee, West Tennessee, Kentucky and Ohio.

most amiable and ought to be among the most indissoluble of social obligations, he should, without reserve, cherish the emotions which were inspired by a sense of duty and honor on this occasion.”<sup>1</sup>

Mr. Adams's reply shows that not a flash of suspicion had ever crossed his mind of Wolcott's real conduct; and his sending the “friendly regards” of “his family,” leads to the inference that there, too, the intriguer had been at pains carefully to play his usual specious *rôle*.<sup>2</sup>

Mr. Adams's feelings relented towards McHenry, and he intimated that he would have made provision also for him had he not learned that the latter possessed an ample fortune.

Streaks of fine gold ever gleam out from among the clay of the fallen President's character. We may scorn his inconsistencies, and foibles which no charity can pronounce venial—but none will ever detest him in the concrete.

When we commenced these pages, Wolcott was to us only *nominis umbra*—one of a passed-away party and race. To entertain feelings of personal hostility against him merely because he served his party thoroughly, and partook in their measures and prejudices against Mr. Jefferson and the other Republican leaders of that day, would be much on a par with conceiving a hostility against a picture hanging in some old gallery—a shadow—a sound—or a handful of mouldering earth and bones in a coffin. Among some of the early races of the North, each man who passed the tomb of a hero cast a stone upon it—his contribution to a commemorative monument. As the pile rose higher, it constituted a more impressive lesson to new generations—appealing to them in like manner to secure the grateful remembrance of mankind. There is occasionally a deviation from rectitude so deliberate, so insidious, so fatal to all the ties of human brotherhood if tolerated into an example, that every after-comer is called upon to cast a stone upon the grave of the offender, as he would upon the cairn of a hero. But every stone cast should be inscribed with words of indignant condemnation. In any possible view we are able to take of the self-proved conduct of Wolcott towards Adams, it richly deserves to be made such a negative example to posterity.<sup>3</sup>

<sup>1</sup> This letter will be found entire in Adams's Works, vol. ix. p. 99.   <sup>2</sup> *Ib.* p. 100.

<sup>3</sup> And the more so from the matchless and aggressive effrontery of his authorized VOL. II.—40



On the last day of January, John Marshall was commissioned Chief Justice, in the place of Mr. Jay, who declined the appointment. As the former was Secretary of State, and intended to continue to act as such to the close of Mr. Adams's term, Mr. Dexter, Secretary of War, was appointed Secretary of State, *pro hac vice*, to make out and sign his judicial commission. It has been already mentioned that the latter filled both of the offices, at the same time, and presided as Chief Justice from the 4th to the 9th of February, 1801, while acting as Secretary of State. This was a somewhat anomalous combination of the executive and judiciary departments of the government, and an extension of the principle would lead to curious results in practice. Boudinot proposed to Mr. Adams to appoint himself Chief Justice, with a commission to take effect as soon as his Presidential tenure terminated.<sup>1</sup>

The Sedition Law was to expire by its own limitation with the present Congress. Some of the Federalists were in favor of renewing it, but others saw much less need of it under a Republican administration. As the Republicans had not experienced any change of views in regard to this law, in consequence of their success, there was not a majority for its continuance. Its decease was contemporaneous with that of the Federal party as a national organization.

That party had now been tried out to a sufficient development, to make its spirit and the general bearing and tendency of its policies understood. These were in conflict with the settled ideas of the American people. It fell, therefore, completely and irrevocably.

It needed but that fierce dying effort of the Federal leaders to hold on to power, after being overwhelmingly beaten in an election where they had taken every practicable advantage of their opponents—an effort persisted in to the verge of civil war, and only abandoned from fear—to deprive that party of the last vestige of popular respect and sympathy. No party apparently

family biographer. He claims that Mr. Adams conferred this last office "with the full knowledge of Wolcott's political views," and he even hints that it was an "atonement voluntarily offered for individual injury!" (See Gibbs's Administrations, etc., vol. ii. p. 496.) The whole page from which we have culled these ideas, is a literary and moral curiosity—especially if it is to be supposed it presents us Wolcott's version of things.

<sup>1</sup> We take this to be Boudinot's idea: it certainly was so, unless this Federal gentleman supposed that Adams was to leave the office unfilled, and that Jefferson was to offer the nomination to Mr. Adams. (See Boudinot's letter and Adams's answer, Adams's Works, vol. ix. p. 93, and note.)

ever took so much pains to cover itself with unnecessary odium. None starting with such advantages, real and apparent, ever so speedily ran through its career and perished.

The news of Jefferson's election was received, in most parts of the Union, with the liveliest demonstrations of public joy; and great numbers everywhere joined in this who had voted for his competitor. As the mails diffused the intelligence, crowds congregated, cannons thundered, the welkin rung with exulting huzzas, and everywhere was heard, swelled by innumerable voices, a political song "for Jefferson and Liberty." More elaborate manifestations, illuminations, balls, banquets, and orations, followed.<sup>1</sup>

Strong as Mr. Adams had comparatively been made to appear in the electoral vote, he fell almost without a popular sympathy throughout a great portion of the Republic, crushed under his own follies and other men's far grosser misdeeds—crushed under a mountain's weight of popular odium and prejudice which nothing could remove until the generation which were his coactors on the scene, and even their immediate children, had principally passed away. Fierce and mortal had been the struggle. A continent had been the stake. The wounds were too deep to "close without a scar."

Immediately after Jefferson's election, Dexter—who had succeeded from the War to the Treasury department on the retirement of Wolcott—proffered his resignation, but offered to remain at his post until it could be filled agreeably to the President's inclinations. This appears to have been done with that high courtesy and frank liberality which marked Dexter's fine character. Jefferson's reply (February 20th), though brief, shows how justly he appreciated the man and his proposal. Stoddert, Secretary of the Navy, also always a liberal, and, for aught we can discover to the contrary, a high-principled and just man, made the same proffer with Dexter, and received an equally respectful answer.

On the 24th of February, Jefferson wrote Chancellor Livingston (who had meanwhile declined the tendered Navy department) offering him the nomination of Minister Plenipotentiary

<sup>1</sup> Judge Hammond states, in his *Political History of New York*, that "on the 4th of March meetings were held, processions were formed, and orations were delivered in almost every city and village in the State" of New York, to celebrate Jefferson's election."

to France—the same post offered to him by President Washington before the appointment of Monroe, and then declined. He now accepted. On Bayard's non-acceptance, Mr. Adams had not again attempted to fill the office.

If Mr. Jefferson came into the Presidency, feeling that he owed nothing to the Federal leaders, and particularly the Federal leaders in Congress, far other were his sentiments towards the popular body of that party. He wrote his early friend, Lomax, February 25th; and the following may stand for a hundred similar expressions on the same subject:

"The suspension of public opinion from the 11th to the 17th, the alarm into which it threw all the patriotic part of the Federalists, the danger of the dissolution of our Union, and the unknown consequences of that, brought over the great body of them to wish with anxiety and solicitation for a choice to which before they had been strenuously opposed. In this state of mind, they separated from their Congressional leaders, and came over to us; and the manner in which the last ballot was given, has drawn a fixed line of separation between them and their leaders. When the election took effect, it was the most desirable of events to them. This made it a thing of their choice, and finding themselves aggregated with us accordingly, they are in a state of mind to be consolidated with us, if no intemperate measures on our part revolt them again. I am persuaded that weeks of ill-judged conduct here, has strengthened us more than years of prudent and conciliatory administration could have done. If we can once more get social intercourse restored to its pristine harmony, I shall believe we have not lived in vain; and that it may, by rallying them to true Republican principles, which few of them had thrown off, I sanguinely hope."

This needs no comment.

On the 21st of February, Mr. Pinckney, from a committee appointed by the House of Representatives, reported they had notified Mr. Jefferson of his election, and his answer. The latter is couched in highly conciliatory language.

On the 28th day of February, Mr. Jefferson retired from the chair of the Senate. The following was his brief address on the occasion:

#### TO GENTLEMEN OF THE SENATE.

To give the usual opportunity of appointing a President *pro tempore*, I now propose to retire from the chair of the Senate; and, as the time is near at hand when the relations will cease which have for some time subsisted between this honorable house and myself, I beg leave, before I withdraw, to return them my grateful thanks for all the instances of attention and respect with which they have been pleased to honor me. In the discharge of my functions here, it has been my conscientious endeavor to observe impartial justice, without regard to persons or

subjects, and if I have failed in impressing this on the mind of the Senate, it will be to me a circumstance of the deepest regret. I may have erred at times—no doubt I have erred; this is the law of human nature. For honest errors, however, indulgence may be hoped. I owe to truth and justice at the same time to declare that the habits of order and decorum, which so strongly characterize the proceedings of the Senate, have rendered the umpirage of their president an office of little difficulty; that in times and on questions which have severely tried the sensibilities of the house, calm and temperate discussion has rarely been disturbed by departures from order.

Should the support which I have received from the Senate, in the performance of my duties here, attend me into the new station to which the public will have transferred me, I shall consider it as commencing under the happiest auspices.

With these expressions of my dutiful regard to the Senate, as a body, I ask leave to mingle my particular wishes for the health and happiness of the individuals who compose it, and to tender them my cordial and respectful adieu.

This was referred to a committee consisting of Messrs. Morris of New York, Mason of Massachusetts, and Dayton of New Jersey, with instructions to report the draft of an address and answer thereto.

The committee reported the following address, March 2d:

"SIR:—While we congratulate you on those expressions of the public will, which called you to the first office in the United States, we cannot but lament the loss of that intelligence, attention, and impartiality with which you have presided over our deliberations. The Senate feel themselves much gratified by the sense you have been pleased to express of their support in the performance of your late duties. Be persuaded that it will never be withheld from a Chief Magistrate who, in the exercise of his office, shall be influenced by a due regard to the honor and interests of our country.

"In the confidence that your official conduct will be directed to these great objects, a confidence derived from past events, we repeat to you, sir, the assurance of our constitutional support in your future administration."

A motion to strike out the words, "a confidence derived from past events," received nine votes out of twenty-eight.<sup>1</sup> The same committee were directed to present the address of the Senate, and on the next day they communicated Mr. Jefferson's answer. It was brief, and highly courteous.

The disposition evinced by a minority to carp at the favorable expressions of the Senate's address, and the fact that they took no exceptions to the high tribute paid to him as a presiding officer, would seem to show that his deportment in the latter capacity was regarded as above complaint. It is believed,

<sup>1</sup> The yeas were Messrs. Chipman, Hindman, Howard, Livermore, Paine, Read, Ross, Tracy and Wells. The nays were, Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Gunn, Hillhouse, Marshall, S. T. Mason, J. Mason, Morris, Nicholas and Pinckney.

indeed, that during the four years of unexampled party heat and bitterness, during which he had presided over the Senate, his official conduct was not the subject of a single complaint.

And we venture to affirm, that when all the circumstances of the times are fairly weighed, every man versed in that kind of literature will be ready to admit that his personal diary during the same period (the *Ana*), betrays an uncommon degree of mildness—an uncommon freedom from harsh and relentless vituperation. His retaliations on the whole circle of his assailants scarcely equal those which single individuals are known, by casual disclosures in their letters, to have poured on him. Whatever other charges against Mr. Jefferson may be persisted in, we think it is about time for sensible men to cease turning up their eyes at his imaginary ferocity and tomb-surviving malice as a politician!

The President elect was anxious that the ceremonies of his inauguration be as few and simple as practicable—but the feelings of his friends who had flocked to the capital, would not permit him to go unattended to the Senate Chamber to take the oath of office. An English eye-witness thus describes his appearance on the occasion: "His dress was of plain cloth, and he rode on horseback to the Capitol without a single guard or even servant in his train, dismounted without assistance, and hitched the bridle of his horse to the palisades."<sup>1</sup>

On his entering the Senate Chamber, Burr, who had already taken the oath of office, gave up his chair, and took his seat on the right. On the left sat the Chief-Justice. Two imposing and usual figures on such occasions were absent—the late President and the late Speaker of the House of Representatives. Mr. Adams had made an abrupt and ungraceful departure from the city early in the morning. Sedgwick's absence is also, so far as we know, unexplained. The act, in both cases, perhaps, sufficiently explains itself. But there was the customary attendance of other officials—and the usual crowd of friends and spectators. Mr. Jefferson rose and delivered the following

#### INAUGURAL ADDRESS.

FRIENDS AND FELLOW-CITIZENS:—Called upon to undertake the duties of the first Executive office of our country, I avail myself of the presence of that portion

<sup>1</sup> "Travels of Four Years and a Half in the United States of America, during 1798-99-1800-1-2, by John Davis." London, 1803.

of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation and humble myself before the magnitude of the undertaking. Utterly indeed should I despair, did not the presence of many whom I here see remind me, that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amid the conflicting elements of a troubled world.

During the contest of opinion, through which we have passed, the animation of discussion and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some, and less by others; that this should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans—we are all Federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a Republican Government cannot be strong; that this Government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this Government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest Government on earth. I believe it the only one where every man, at the call of the laws, would fly to the standard of the law, and would meet

invasions of the public order, as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence, pursue our own Federal and Republican principles, our attachment to our Union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal rights to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow-citizens, resulting not from birth but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practised in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens—a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship, with all nations—entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority—the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia—our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and the arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; freedom of person under the protection of the *habeas corpus*; and trial by juries impartially selected—these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith—the text of civil

instruction—the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence reposed in our first and great Revolutionary character, whose preëminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a consolation to me for the past; and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

After the delivery of his address, he was sworn into office by the Chief-Justice. On the close of the ceremonies, the usual calls were made on the President and Vice-President. "Most of the Federal gentlemen" joined in these civilities, and they appear to have been received to their satisfaction.<sup>1</sup>

President Jefferson's inaugural address is an elaborate and somewhat rhetorical production; but few, we apprehend, would like to exchange it for a modern "King's speech," where dryness is as sedulously studied as if it were undignified for a Chief Magistrate to condescend to use flowing English, or to please the public ear. Its manner certainly struck the people of the United States most favorably; and the number of its phrases which have passed into popular axioms—which are constantly reproduced in political newspapers and addresses, as at the same time the most authoritative and most felicitous expressions of the ideas they embody—is astonishing, and perhaps unequalled in the instance of any similar production.

The moderate and tolerant spirit it displayed took many of

<sup>1</sup> See Bayard to Hamilton, March 8, 1801, already quoted.



both the President's friends and opponents by surprise ; and it is not to be denied that it displeased some of the former. There was a division in policy between Jefferson and a wing of his party on the question throughout his entire administration. We shall present some further facts on this subject when we come to the topic of appointments and removals.

On the 6th of March the President wrote, in answer to a letter of congratulation from his old friend, John Dickinson :

"The storm through which we have passed has been tremendous indeed. The tough sides of our Argosie have been thoroughly tried. Her strength has stood the waves into which she was steered, with a view to sink her. We shall put her on her republican tack, and she will now show, by the beauty of her motion, the skill of her builders. Figure apart, our fellow-citizens have been led hood-winked from their principles, by a most extraordinary combination of circumstances. But the band is removed, and they now see for themselves. I hope to see shortly a perfect consolidation, to effect which nothing shall be spared on my part, short of the abandonment of the principles of our Revolution. A just and solid republican government maintained here will be a standing monument and example for the aim and imitation of the people of other countries; and I join with you in the hope and belief that they will see, from our example, that a free government is of all others the most energetic; that the inquiry which has been excited among the mass of mankind by our Revolution and its consequences, will ameliorate the condition of man over a great portion of the globe. What a satisfaction have we in the contemplation of the benevolent effects of our efforts, compared with those of the leaders on the other side, who have discountenanced all advances in science as dangerous innovations, have endeavored to render philosophy and republicanism terms of reproach, to persuade us that man cannot be governed but by the rod, etc. I shall have the happiness of living and dying in the contrary hope."

He wrote Governor Monroe the next day, and we here get the full meaning and aim of the inaugural ; as well as his determination of how its professions were to be carried into practice in the delicate question of removals. He commences with an allusion to certain erroneous rumors :

"I am in hopes my inaugural address will in some measure set this to rights, as it will present the leading objects to be conciliation and adherence to sound principle. This I know is impracticable with the leaders of the late faction, whom I abandon as incurables, and will never turn an inch out of my way to reconcile them. But with the main body of the Federalists I believe it very practicable. You know that the manœuvres of the year XYZ carried over from us a great body of the people, real republicans, and honest men under virtuous motives. The delusion lasted a while. At length the poor arts of tub-plots, etc., were repeated till the designs of the party became suspected. From that moment, those who had left us began to come back. It was by their return to us that we gained the victory in November, 1800, which we should not have gained in November, 1799. But

during the suspension of the public mind from the 11th to the 17th of February, and the anxiety and alarm lest there should be no election, and anarchy ensue, a wonderful effect was produced on the mass of Federalists who had not before come over. Those who had before become sensible of their error in the former change, and only wanted a decent excuse for coming back, seized that occasion for doing so. Another body, and a large one it is, who, from timidity of constitution, had gone with those who wished for a strong executive, were induced by the same timidity to come over to us rather than risk anarchy: so that, according to the evidence we receive from every direction, we may say that the whole of that portion of the people which were called Federalists were made to desire anxiously the very event they had just before opposed with all their energies, and to receive the election which was made as an object of their earnest wishes, a child of their own. These people (I always exclude their leaders) are now aggregated with us, they look with a certain degree of affection and confidence to the Administration, ready to become attached to it, if it avoids in the outset acts which might revolt and throw them off. To give time for a perfect consolidation seems prudent. I have firmly refused to follow the counsels of those who have desired the giving offices to some of their leaders, in order to reconcile. I have given, and will give only to Republicans, under existing circumstances. But I believe with others, that deprivations of office, if made on the ground of political principles alone, would revolt our new converts, and give a body to leaders who now stand alone. Some, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification. Where we shall draw the line between retaining all and none, is not yet settled, and will not be till we get our Administration together; and perhaps even then we shall proceed *à l'idion*, balancing our measures according to the impression we perceive them to make."

The last intercommunication which took place between the President and his predecessor, then or for a long subsequent period, was contained in a note of Mr. Jefferson, March 8th, (inclosing a letter for Mr. Adams, carried by its official direction to the hands of the former) and Mr. Adams's reply of March 24th. The latter closes with the remark: "This part of the Union is in a state of perfect tranquillity, and I see nothing to obscure your prospect of a quiet and prosperous administration, which I heartily wish you."<sup>1</sup>

On the 5th of March, the President nominated James Madison, of Virginia, Secretary of State; Henry Dearborn, of Massachusetts, Secretary of War; and Levi Lincoln, of Massachusetts, Attorney-General—all of whom were confirmed by the Senate and appointed on the same day. In the succeeding recess of the Senate (May 14th), Albert Gallatin, of Pennsylvania, was appointed Secretary of the Treasury. Samuel Smith, of Maryland, acted as Secretary of the Navy from the 1st of April to the 15th

<sup>1</sup> For both letters, see Adams's Works, vol. ix. p. 581.

of July, and was then succeeded by Robert Smith of the same State. Gideon Granger, of Connecticut, was appointed Postmaster-General on the 28th day of November. These nominations were confirmed on the 26th of January, 1802.

Mr. Madison's preceding history has been too closely connected with that of Mr. Jefferson, to require a further notice here.

Colonel Dearborn was born at Hampton, New Hampshire, in March, 1751. At the breaking out of the Revolution he was a physician of three years' practice, settled in Nottingham, in the same State. The next day after the battle of Lexington, he mustered and led sixty volunteers to Cambridge—advancing sixty-five miles in twenty-four hours. He was immediately commissioned a Captain in Colonel (afterwards General) Stark's New Hampshire regiment. He commanded the flank guard as it marched across Charlestown Neck, under the terrible fire of the British shipping, June 17th, 1775, to take part in the battle of Bunker Hill. Throughout the latter action, Dearborn carried a musket and fired with his men.

He exchanged places with another captain, to obtain the opportunity of following Arnold to Quebec. On reaching the Chaudiere, he was seized with a violent fever, and was compelled to stop at a poor hut where he refused to allow one of his weeping soldiers to remain behind to take care of him. He suffered for the want of everything, but his powerful constitution triumphed. He obtained a horse and appeared before his men just before the assault on Quebec. He fought with his customary determination, but his company were overwhelmed in the sortie led by Captain Law, and he was made a prisoner. He was released on parole in 1776, and the following spring exchanged. He was appointed Major in the third (Scammell's) New Hampshire regiment. He was at Ticonderoga, and led the rear guard when St. Clair retreated before Burgoyne.

On the heights of Saratoga he was made a Lieutenant Colonel, and commanded a corps of observation, intended for such desperate service as occasion might demand. He was in the advance under Morgan on the 19th of September, and on the 7th of October was with Arnold when he made his attack on the British right. Eight heavy cannon were playing on the American line from an eminence in the rear of the foe, and

Arnold ordered Dearborn to pass round the enemy's right and seize this battery. He met a corps of infantry on the way, but swept them out of his path with the bayonet, took the cannon and the corps attached to them, and having disposed of them, advanced on the British rear before being discovered, and delivered his fire, aiding materially in compelling their precipitous retreat.

When Arnold led the assault on the British intrenchments, with such maniacal bravery, he was closely followed by Dearborn. From dawn until late at night of that day, the latter neither sat down nor tasted food. He was particularly noticed in the dispatches of General Gates.

He passed the succeeding winter amidst the horrors of Valley Forge. He attracted the particular notice of Washington for his gallantry at Monmouth. He followed Sullivan in his Indian Campaign, in 1779—was in the army in New Jersey in 1780—was appointed deputy Quarter-Master-General, with rank of Colonel, in 1781, in which capacity he served at Yorktown; and was in the command of the then frontier post of Saratoga when peace was declared.

In 1784 he settled, as farmer, on the banks of the Kennebeck. Washington appointed him marshal of Maine in 1789. He had been twice elected a member of Congress.

He was a man of as much coolness as nerve; possessed excellent sense; was of a kind, frank, loyal temper; and his honor was unquestioned by friend or foe. He was large and commanding in person.<sup>1</sup>

Mr. Lincoln's previous career, having been that of a civilian, presents fewer noticeable points. He was born in 1749; was graduated at Harvard College in 1772; studied law and entered into its practice at Worcester, where he rose rapidly to eminence in his profession and as a party leader. He was an ardent Republican from the first formation of parties, and was the author of some very effective political papers, published during Mr. Adams's Administration. He had been elected to Congress from his district, to fill a vacancy during the late session, after a contest which called out the most vehement efforts of the other party. No Republican in Massachusetts occupied a more conspicuous and leading position; and he was the head

<sup>1</sup> The details we have given are drawn from Allen's Biographical Dictionary, American Military Biography, and various perfectly reliable personal sources.

of a family as celebrated for its talents and political influence as for its devotion to the principles of that party. He was an estimable man in public and private life; faithful to official duty, full of energy, staunch to his cause, true to his friend, and honorable to his enemy.

Mr. Gallatin, like Mr. Madison, had already been much before the public. His foreign birth, his early emigration to Pennsylvania, his important connection with the political history of that State for some years preceding his appointment to Mr. Jefferson's Cabinet, are matters of notoriety. His congressional career, and his transcendent ability and courage in that field have already found some mention in these pages.

He was a man of profound, logical, and clear understanding in any department of investigation—but perhaps his forte lay in political economy, and particularly in the figures, statistics and philosophy of finance. Here he was neither a copyist, nor an oracular talker, employing instruments to work out practical details. He neither found nor invented mysteries. He did not borrow, lend, transfer, etc., between an army of differently named “funds” (like a thimble player, transferring his ball from one cup to another) to bewilder scrutiny, and end in bewildering himself. Least of all did Gallatin consider the Treasury department a huge turtle to lay eggs constantly in the sand to feed those carnivorous political birds which might otherwise flesh their hungry beaks in the carcass of the Administration. Nor did he consider it like the turtle of the mythology of certain Indian tribes which carries the world on its back.

He understood finance in its highest theory and in its minutest practice, with that comprehensiveness and accuracy which enabled him to adapt it to any special circumstances. He was cautious, averse to projects, and had no ambition for display. His integrity was above even suspicion. He had precisely the sagacity, the decision, and the prudence necessary to change a bad system so gradually, and under circumstances and explanations which carried so clear a conviction of improvement, that not only danger but alarm was avoided. In every point of view he was singularly adapted to execute the precise line of policy the new President desired to carry into the Treasury department.

It has been seen the Navy department was first offered to

R. R. Livingston. Mr. Jefferson's next, if not his first, choice was a most intimate personal, as well as political friend, General Samuel Smith, of Maryland. This gentleman was the son of a great merchant, who was one of the principal founders of the commercial prosperity of Baltimore, and who was also a distinguished politician of that State throughout the Revolutionary epoch. He was in the Constitutional Convention of Maryland in 1776, and Charles Carroll, of Carrollton, said of him: "I have John Smith on my committee for shaping the Senate, and it will be the safeguard of liberty and order." He was chairman of the Committee of Ways and Means in the House of Delegates throughout most of the Revolution.

General Smith was bred to his father's occupation, and in 1771 the latter sent him to Europe in one of his own vessels. He travelled in England, France, Portugal, Spain, and Italy, studying the commerce and character of those countries. He took a very active and conspicuous part in the Revolution; but we will here omit the details of his career, as we purpose in another part of this work to present a full and connected sketch of this able and useful public man, drawn up by an authorized hand.'

We will only add here that Mr. Smith's private affairs became completely shattered by the war; that he was compelled to rebuild the fortunes of the commercial house from the foundation; that he did so with rapid success; that he fully made good his father's place as a merchant, his ships traversing every sea; that he was repeatedly elected to the Legislature of Maryland; and that he was transferred from thence to Congress in 1792, where, either in the House or the Senate, he was to continue upwards of forty years.

While he remained in the Navy department he declined having any commission made out for him,\* and refused to accept any compensation. It is understood that Mr. Jefferson was very anxious for his permanent continuance; but private affairs, and particularly the concerns of his commercial house, would

\* See APPENDIX, No. 20.

† Until the moment of penning these remarks, it had not occurred to us to examine by what arrangement his service, under such circumstances, was rendered practicable; and we have no authorities at hand to settle the point. It may have been by arrangement with Stoddert, and by using his name. At all events, we are certain that Smith discharged the duties of the office, as stated in the text.

allow him to stay only until a satisfactory ultimate disposition could be made of the office.

Colonel Benton, in his *Thirty Year's View*, thus sketches the legislative career and character of General Smith :

"He was thoroughly a business member, under all the aspects of the character; intelligent, well-informed, attentive, upright; a very effective speaker, without pretending to oratory; well read: but all his reading subordinate to common sense and practical views; . . . was particularly skilled in matters of finance and commerce, to which his clear head and practical knowledge lent light and order in the midst of the most intricate statements. . . . Patriotism, honor, and integrity were his eminent characteristics; and utilitarian the turn of his mind, and beneficial results the object of his labors. . . . He was a working member, and worked diligently, judiciously, and honestly for the public good."

The Navy bureau was in the meantime offered to and declined by William Jones of Pennsylvania and John Langdon of New Hampshire.<sup>1</sup> Robert Smith of Maryland was then appointed.

This gentleman was the third brother of General Samuel Smith, and was born in November, 1757. While a student at Newark, Delaware, he bore arms as a volunteer at the battle of Brandywine. He studied law and soon rose to distinction. He was one of the Presidential electors of his State on Washington's second unanimous election to the Presidency; and served with ability for several years in the House of Delegates and in the Senate of Maryland. As a member of a commercial family he had a better acquaintance with maritime affairs than most of the mere lawyers who have been appointed Secretaries of the Navy, and he had the further advantage of being able if necessary to confer at all times without reserve with his more experienced brother in respect to the practical questions of his department.

He was an able, upright, firm man—industrious and accurate in business—dignified and courteous in public life—religious,<sup>2</sup> kindly, accomplished and popular in private life. His high sentiments, his noble appearance, his elegant hospitality, his assiduous attentions to the officers of the Navy of every rank, and his

<sup>1</sup> See correspondence attached to APPENDIX, No. 20.

<sup>2</sup> He was one of the earlier Presidents of the American Bible Society, and held the place for several years. On the resignation of Archbishop Carroll, he was elected Provost of the University of Maryland. He was President of the Agricultural Society of Maryland. After his retirement from public life, he became a large farmer and importer of choice varieties of domestic animals. He was everywhere a public-spirited, liberal and most useful citizen.

indefatigable attention to their interests and the interests of the Navy, made him a general favorite among them, and his house was habitually thronged by them. Our able naval historian, Mr. Cooper, suspected of no partiality to Mr. Jefferson's Administration,<sup>1</sup> bears strong and honorable testimony of Smith's great and deserved popularity in the Navy.

Of Mr. Granger's previous personal history we know little. He was born at Suffield, Connecticut, July 19th, 1767, and was graduated at Yale College in 1787. He soon rose to distinction as a lawyer and politician; and it is said that it was chiefly to his exertions in its Legislature, that his native State is indebted for its large school fund.\* He probably owed his selection in part, also, to his locality. Mr. Jefferson, believing the people of New England were essentially Republican, was particularly anxious to break in upon the strength of a Federal organization which kept these States in an attitude of perfect sectional unity, and in constant opposition to a great majority of the people of the rest of the Union. But the same motive operated, equally, it is probable, in some of the other appointments, and it is due to Mr. Granger to say that he both officially and personally secured and retained the full confidence of his principal. He was an able, energetic man, and efficient officer. We think that the President at once placed the Postmaster General upon the same footing with the other heads of departments, as a member of the Cabinet for purposes of consultation; an innovation on preceding usage, but thenceforth passing into a settled regulation or custom of the government.

There is no reason to suppose that President Jefferson ever had occasion to regret or did regret the choice of any one of his subordinates in the Administration. The Cabinet was undoubtedly a remarkably strong one in general talent, in the special

<sup>1</sup> The senior Mr. Cooper (Judge William Cooper) was a very zealous Federalist. Judge Hammond (a resident of the same county) says it was he who informed against Judge Peck for circulating Armstrong's petition against the Alien and Sedition Laws, "insisting that a prosecution, under color of the Sedition Law, should be instituted against" him. (Hammond's Political History of New York, vol. i. p. 131.) Judge Cooper was a member of the sixth Congress, and was one of the decided supporters of Burr against Jefferson.

When we say that James Fenimore Cooper is not to be suspected of partiality to Mr. Jefferson's Administration, we do not wish to be understood as accusing him of any intentional injustice to the latter, or of any conscious political bias, in his History of the Navy. We think the contrary is manifestly true. But he did not agree with Mr. Jefferson's views concerning a navy—did not consider them sufficiently "liberal" and "far-sighted." This sufficiently explains the remark in the text.

\* Allen's Biographical Dictionary.



fitness of each officer for his place, and in the public and private character of all its members.

Chancellor Livingston of New York received the appointment of Minister to France. Not being ready for immediate departure, it was necessary to send out the ratification of the new treaty by a diplomatic messenger. The President dispatched Mr. Dawson, a member of Congress, on that errand.

This gentleman was a half brother of Governor Monroe—was a man of parts—but in early life had been a coxcomb, nor was he yet negligent of his fine person. He had therefore obtained the *sobriquet* of “Beau Dawson.” His selection as a messenger, with no other pay than that of a messenger, came as a godsend to the Federal wits who had lately found few subjects of merriment; and the old ballad of “Nancy Dawson” furnished them with a groundwork for numerous parodies and pasquinades.

But Dawson bore with him what was to furnish materials for more serious assaults on the President.

Thomas Paine was then in France, and was anxious to return to the United States. He probably justly believed that being an Englishman by birth he would be a favorite subject for the operations of a British press-gang. The American merchant flag would be no protection to him. He had therefore solicited Mr. Jefferson, in case of his election, to grant him a passage in a national vessel. Jefferson wrote him by Dawson, and the following were the only passages in the letter pertaining to the preceding request:

“You expressed a wish to get a passage to this country in a public vessel. Mr. Dawson is charged with orders to the captain of the *Maryland* to receive and accommodate you with a passage back, if you can be ready to depart at such short warning.”<sup>1</sup>

Paine got ready and returned in the sloop of war. He was too much gratified by the tenor of Jefferson’s letter not to publish it. The occasion was considered an alarming one by those who had so vehemently denounced the President as an infidel,

<sup>1</sup> The letter closed as follows:

“I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily labored, and with as much effect as any man living. That you may long live to continue your useful labors, and to reap their reward in the thankfulness of nations, is my sincere prayer.

“Accept assurances of my high esteem and affectionate attachment.”

in the recent election. It was asserted in the Federal newspapers generally, and *preached* from a multitude of pulpits, that one of the first acts of the President, after entering office, was to send a national vessel to invite and bring "Tom Paine" to America; and this was so persistently affirmed, where Mr. Jefferson's letter, if even seen, soon passed out of memory, that in many parts of the country it became an established tradition. Many old men, particularly of New England birth, can now be found, who speak of it as a circumstance as well settled as that Independence was declared in 1776!

Paine was "an infidel." He had written politically against Washington. He was accused of inebriety, and a want of chastity. But he was the author of "Common Sense" and the "Crisis."

Gates, Conway and Charles Lee had opposed and probably written against Washington. Lee was suspended for disobedience and personal disrespect to the Commander in Chief. We are not informed as to the religious opinions, or private morals of these Revolutionary Major Generals. We will suppose them as obnoxious as Paine's were claimed to be; and then we will suppose one of these men in France, asking the protection of the American National flag to get back to the land he had fought for, safe from insult and captivity as a British born subject.<sup>1</sup> We venture to assert no individual ever occupied, or ever will occupy the Presidential chair of this republic, who would hesitate an instant in granting the request. Yet neither of these officers had done as much to produce the declaration of American Independence, or sustain it in the times "which tried the souls of men," as Thomas Paine.

Congress has passed several pension laws to reward military services in the Revolution. Benefactions were more than once voted to Paine by State legislatures for his civil services in the same contest. We are not aware that either the national or State legislatures have ever established a preliminary jury of ecclesiastical or moral triers to decide under what circumstances patriotic deeds cease to deserve reward. When they do, the principle on which Jefferson acted will stand condemned, and per-

<sup>1</sup> Lee was taken prisoner in 1776, and General Howe did make a show of treating him as a deserter. He refused six field-officers offered by Washington in exchange. Washington then confined several British officers, and held them answerable for the treatment Lee received. This was the argument that never failed.

haps the further one be established that he who rewards or respects patriotism in "an infidel" or immoral man, thereby proves himself an infidel or immoral man.

We are disposed to furnish some further proofs of the same kind against Jefferson. Paine wrote the latter that he was coming to visit him at Monticello. On this fact being mentioned, Mrs. Randolph, and we think Mrs. Eppes—both daughters of the Church of England—were not careful to conceal that they would have much preferred to have Mr. Paine stay away. Mr. Jefferson turned to the speaker with his gentlest smile and remarked, in substance: "Mr Paine is not, I believe, a favorite among the ladies—but he is too well entitled to the hospitality of every American, not to cheerfully receive mine." Paine came and remained a day or two. As in their correspondence, Jefferson did not talk with him on the subject of religion. He called him out on historical, political and similar topics. Paine's discourse was weighty, his manners sober and inoffensive; and he left Mr. Jefferson's mansion the subject of lighter prejudices than he entered it.

Three days after writing Paine in France (March 21st), the President wrote to Dr. Priestly:

"I learned some time ago that you were in Philadelphia, but that it was only for a fortnight; and I supposed you were gone. It was not till yesterday I received information that you were still there, had been very ill, but were on the recovery. I sincerely rejoice that you are so. Yours is one of the few lives precious to mankind, and for the continuance of which every thinking man is solicitous. Bigots may be an exception. What an effort, my dear sir, of bigotry in politics and religion have we gone through! The barbarians really flattered themselves they should be able to bring back the times of Vandalism, when ignorance put everything into the hands of power and priestcraft. All advances in science were proscribed as innovations. They pretended to praise and encourage education, but it was to be the education of our ancestors. We were to look backwards, not forwards, for improvement; the President himself declaring, in one of his answers to addresses, that we were never to expect to go beyond them in real science. This was the real ground of all the attacks on you. Those who live by mystery and *charlatanerie*, fearing you would render them useless by simplifying the Christian philosophy—the most sublime and benevolent, but most perverted system that ever shone on man—endeavored to crush your well-earned and well-deserved fame."

He mentions to his correspondent that there was no expectation of the Republicans resorting to force at the late election, if the Federalists did nothing more than bring on an interregnum.

or rather, as he more accurately describes it, bring the government into "the situation of a clock or watch run down." He says that on the invitation of the Republican members of Congress and the virtual President and Vice-President, a convention "would have been on the ground in eight weeks, would have repaired the Constitution where it was defective, and wound it up again."

He closed his letter by warmly inviting Priestley to visit Monticello.

Another shade of his ideas in regard to the election, his impression of the effect of the great geographical size of our territory in political convulsions—is presented in the following passages from a letter to Nathaniel Niles, March 22d :

"The times have been awful, but they have proved a useful truth, that the good citizen must never despair of the commonwealth. How many good men abandoned the deck, and gave up the vessel as lost. It furnishes a new proof of the falsehood of Montesquieu's doctrine, that a republic can be preserved only in a small territory. The reverse is the truth. Had our territory been even a third only of what it is, we were gone. But while frenzy and delusion, like an epidemic, gained certain parts, the residue remained sound and untouched, and held on till their brethren could recover from the temporary delusion; and that circumstance has given me great comfort.

\*     \*     \*     \*     \*

"I am certain a convention would have commanded immediate and universal obedience. How happy that our army had been disbanded! What might have happened otherwise seems rather a subject of reflection than explanation."

He expressed the opinion (March 28th) to Mr. Robinson that the real principles of the great body of both parties differed little—that the Republicans should "be easy" with their opponents; and he continued:

"The eastern States will be the last to come over, on account of the dominion of the clergy, who had got a smell of union between Church and State, and began to indulge reveries which can never be realized in the present state of science. If, indeed, they could have prevailed on us to view all advances in science as dangerous innovations, and to look back to the opinions and practices of our forefathers, instead of looking forward for improvement, a promising groundwork would have been laid. But I am in hopes their good sense will dictate to them, that since the mountain will not come to them, they had better go to the mountain; that they will find their interest in acquiescing in the liberty and science of their country, and that the Christian religion, when divested of the rags in which they have enveloped it, and brought to the original purity and simplicity of its benevolent institutor, is a religion of all others most friendly to liberty, science, and the freest expansion of the human mind."

We have already expressed the opinion that Mr. Jefferson was never understood in New England and that he never understood the New England character. He was a man of essentially another mental race or type. He was bred where every peculiarity of social and political life was as different as if oceans rolled between the two lands. He saw nothing of New England manners and customs except in her public men, and public men are apparently everywhere very much alike. At least those who associate together, rub and triturate off provincial peculiarities, and if they do not entirely lose the idiosyncrasies of clan and clan culture, they learn to keep them out of sight, and to present on the surface the smooth evenness of cosmopolitanism.

Least of all, did Mr. Jefferson understand the New England Clergy. He had been bred among the Scotch and English divines of the Anglican establishment of Virginia, before the Revolution. A large proportion of them were born in Great Britain; or were educated by clergymen born there. They were accordingly accustomed to the forms of English society. They lived among a class of wealthy proprietors, to whom the members of all the learned professions looked up rather than looked down. It had never been the custom in the Anglican Church for its clergy to interfere actively in the political and other secular concerns of their neighborhoods. They were, as a general thing, cultivated gentlemen, who preached on the Sabbath, and contented themselves the rest of the time in keeping classical schools or in enjoying the quiet of domestic life. They educated the superior young men of their parishes—they united them in marriage—they baptized their children—they read the burial service over their graves. Their lives glided along without a ripple of contention or excitement. They were welcome guests at the board and never chilled its geniality. They looked smilingly on public amusements, if they did not personally join in them. They took no greater freedoms than other gentlemen in inquiring into or commenting on the private concerns and conduct of their parishioners.

Mr. Jefferson avers they were indolent compared with the dissenting clergy.<sup>1</sup> This was partly owing to the different customs of churches, and partly to the fact that possessors are never so active as those who are striving for possession. If they did not med-

<sup>1</sup> In his Notes on Virginia.

dle habitually in politics, there is nothing to show that they believed or practised the doctrine of political submission. We have yet to see the first historical proof that the Anglican clergy of Virginia did not keep full pace with the sentiment of the country, and with that of their dissenting brethren, in the patriotic cause. It was their discourses on the Fast-day in 1774, which roused the denizens of every hamlet and household in Virginia to "take an unequivocal stand in the line with Massachusetts" on the Boston Port bill. Let us not forget Jefferson's emphatic testimony; "We [the members of the House of Burgesses] returned home and in our several counties invited the clergy to meet assemblies of the people on the first of June, to perform the ceremonies of the day, and to address them discourses suited to the occasion. The people met generally, with anxiety and alarm in their countenances, and the effect of the day through the whole colony, was like a shock of electricity, arousing every man and placing him erect and solidly on his centre."

The names of Anglican clergymen are to be found in various non-importing and other patriotic associations of the Revolution, along with those of the foremost Whig leaders of the Colony and subsequent Commonwealth.

The early New England clergy were the descendants in blood, or by the traditions of their order, of those zealous sectaries who had been hunted to caverns like wild beasts, tortured, exiled, and executed in Scotland—and who had prayed, counselled, exhorted to battle, if not literally fought, in the armies of Cromwell, in England. They led their religious flocks to the "wild New England shore," not as gentle shepherds piping on reeds in Arcadian valleys, but like the armed ones of the Pyrenees, prepared to grapple with the wolf and the robber in defence of their charge. Like all persecuted men, they were intolerant. Like all men who are compelled to give up country and kindred and face danger and suffering for their religious faith, they were fanatical. Like all leaders of new sects springing up in corrupt and licentious eras, they were rigid and austere in manners, not only denouncing the vices of the times, but those customs and manners with which vice had been particularly associated—as statute books impose penalties on healthful and innocent games because they are connected by custom with forbidden practices.

The prominent emigrations to New England were purely religious exoduses. The exiles left their native land, or that where they temporarily sojourned, and made their settlements in New England, as churches. They formed civil organizations, because they were necessary for the exercise of governmental functions, which prevailing ideas among Protestants had kept separated from those exercised by ecclesiastical tribunals. Yet the church principle or influence was completely the dominant one in these societies. It made public opinion. It gave or took away personal influence. It, in effect, made the laws and made the magistrates. With the Puritans, religion was, theoretically, the chief concern of life. Temporal matters were but secondary and incidental. The Bible was the complete rule of civil as well as of religious conduct. The Puritan considered it, to borrow some words of Hooker, not only perfect "unto that end whereto it tendeth," but a perfect civil and social code, wherein "in every action of common life [he was able] to find out some sentence clearly and infallibly setting before his eyes what he ought to do."<sup>1</sup>

If the church influence controlled everything, "the minister" was usually by far the most influential person in the church. If a man of ability, energy, and approved piety—and none others could gather flocks to leave the quiet rural homes of England for transatlantic wastes—his influence amounted to a complete control. He could always at least carry a majority of the congregation, and put down all opposition. None would lightly choose to take issue with him who ruled the organization which ruled everything else. The government was then in reality essentially hierocratic. The outward form has often caused it to be designated as democratic. We are told of New England democracies flourishing long in advance of the separation of the Anglo-American colonies from the mother country. This is a mere fancy. The name is as great a misnomer, when the realities are considered, as it would be to pronounce those primitive colonial organizations pure Asiatic despotisms.

And the sway of the religious potentate did not stop with religious and even with public affairs. He constituted himself a counsellor and guide, and in point of fact, a ruler in all matters

<sup>1</sup> We quote from Richard Hooker, the great champion of the Anglican Church of the sixteenth century; not from Thomas, the Puritan founder of Connecticut.

which, in his judgment, involved the moral interests of his flock. He watched, he warned, he fulminated. Restless and unceasing was his vigilance against that dreadful adversary who prowled around his flock, now in the guise of Indian foes—now in the more dangerous one of a brother dissenter, differing from his own and consequently the infallible standard in the administration of some holy rite—now listened to the incantations of weird old women and brought dire ailments on God's chosen people—now concealed himself under the broad brim of a Quaker—now with golden ringlets and flying feet allured youths to the dance and other carnal amusements, which caused them to make idols of the things of this world, and diverted them from that holy contemplation which was the constant duty of sojourners in this vale of tears, when not engaged in providing for the necessary wants of the body.

To guard against this subtle foe, it was necessary to meet him everywhere—to meet him on the threshold of the fold. His first insidious approach must be descried, and the lambs of the flock taught to penetrate all his disguises. The secret forbidden amusements must be discovered and prevented. The first uttering or listening to profane or heterodox ideas must be sedulously repressed. Improper attachments, intimacies with carnal self-seekers or those of unsound faith, following of vain babblers, preferences for magistrates not chosen of the church and zealous unto slaying, must be known and weeded out before they acquired dangerous strength. All this required perfect knowledge of and a constant interference in the most private domestic and individual concerns. All this the zealous spiritual guide knew and interfered in. He admonished in private, and if this failed, he resorted to that pulpit denunciation which soon rendered the persisting offender a sorrow and a scorn to his nearest kindred. He thus controlled the social as well as the religious and civil organization.

The New England Calvinist, towards the close of the eighteenth century, had put off the austerity and bigotry of the Puritan. Royal governors had made destructive inroads on the hierophantic authority. Republican commonwealths had succeeded to royal governors. The civil administration had ceased to be absorbed in and entirely dependent on the church. The authority of the spiritual guide was no longer paramount. Still it was powerful.



Still the New England clergy were able, energetic men, educated well in their profession, and versed in the art of controlling associations of men. The iron New England industry and the compact New England mind, would endure neither drones nor weak expounders of the word. New England utilitarianism would have "the worth of its money" even from the pulpit. Still the New England clergyman, by tradition and custom, was in all things the moral adviser of his people.

How could it be otherwise among such precedents, and with a clergy thus constituted? In performing the daily duties of their charge with patient and unslacking zeal—in watching over and entreating the young—in fearlessly admonishing the old—in undauntedly attacking vice in high places—in guarding the rights and administering to the wants of the poor and the fatherless—in protecting the orphans of their people—in braving squalor and pestilence to stand over the bed-side of the dying—in advancing within the dangerous verge of the battle, or braving the winter tempest, to save the life of the bleeding soldier or the stranded mariner, or to administer the consolations of religion to the perishing—in promoting intellectual as well as moral culture—in establishing useful institutions of learning—in founding noble charities—in inculcating a resolute patriotism, and a sound, vigorous moral system—no clergy ever did or ever can excel that of the Puritan church of New England.

Never did Mr. Jefferson err more palpably than when he charged these men with being the foes of science. Should the history of every college and academy in New England be investigated (and New England has as many and as well supported institutions of these kinds as any equal number of people on the globe), we venture to assert that it will be ascertained that in more than four cases out of five, they owed their foundation to the efforts of clergymen.

But these men had their disagreeable qualities and their rough side. They were thick, gnarled New England oaks, which had rooted in the crevices of the rocks, and grown up under bleak skies and amidst wintry tempests—not the tall, graceful palms of the tropics. They lacked the finishing touches of that elegant culture which softens while it polishes. They lacked the amenities and delicacies of high social refinement. They retained a good deal of the dogmatism and contentiousness of the Puritan. They felt the importance of their profession, and

wielded its custom-established prerogatives rather as rights than as indulgences. They were clannish in their church, in their local, in their political, and even in their personal feelings. When they went up into the temple they were disposed to thank God that they were not born out of New England or out of its dominant church. To depart from either of these standards was to incur their pitying disapprobation. Directly to oppose either, was to provoke their vehement and simultaneous attack. And when the signal sounded, and some thousand New England pulpits took the same side, and invoked the people to take a particular course as one they owed to moral duty, no resistance in New England had ever stood up successfully against them, or could prevent the election in that entire section of the Union of a nearly compact body of civil officers, from the highest to the lowest, State and federal, who represented the same views and the same spirit.

Mr. Jefferson had given the New England clergy special causes of offence. He was of the opposite party. He was a candidate against a New England candidate. He was the head of the "Virginia dynasty," which struggled for supremacy with "New England influence" in the national councils. He was the leader of the agricultural interest, which contested various points of public policy with the maritime and commercial interests of the eastern States. He belonged to the party which sympathized with France, and therefore he was certainly a Jacobin, and, presumably, an infidel. He had ventured to offer scientific cosmic explanations and suggestions, and consequently he had questioned the Mosaic record, and was an "atheist." He had "invited" "Tom Paine" over to America in a national vessel, and this was undeniable proof he meditated an aggressive attack on the rights and even the existence of the church!

No one can complain at this period of wide sweeping infidelity, that the church made a special and determined effort to maintain its ground. No one can complain or wonder that the church champions gave as well as took rough and resolute blows. Buttoned foils are not the weapons to be relied on against sharp swords and in pressing extremity.

But the New England clergy attacked Mr. Jefferson personally—attacked his moral and religious character—without a particle of aggressive provocation and without any rea-

knowledge concerning him in these particulars. If they acted unjustly, we have no doubt they acted sincerely. They completely misunderstood him. He equally misunderstood them, and the motives of their attack. This state of things continued throughout the life of that generation, and there are not wanting representatives and successors of both the parties, who appear anxious to perpetuate it through all time by fiercely reiterating invectives unproven and improbable when first uttered—absurd even in the mouths of enraged combatants—and despicable and purely malicious when kept up by men in cold blood who had no connection with the original dispute.

## CHAPTER XIII.

1801—1802.

Changes called for in the Scale of our Narrative—The first important Question to be determined by the Administration—Appointments and Removals—Jefferson to Dr. Rush on the Subject—His Moderation not relished by all of his own Party—His Policy considered—Its Success—Federal Murmurs—The Removal of Goodrich—Memorial of New Haven Merchants thereon and President's Reply—Spirit of Connecticut Federalism exemplified—Correspondence between General Knox and the President—President lays down a Rule in regard to appointing his Relatives to Office—His Letter to Samuel Adams—To Gerry—He visits Home—Domestic affairs—Letters to Mrs. Eppes—He returns to Washington—Commodore Dale sent with a Fleet to the Mediterranean—Insults of the Barbary Powers—President's Letter to Foreign-born Citizens—Forms and Maxims of Administration established—Anecdote of Abolition of Levees—Letters to Mrs. Eppes—President passes the Unhealthy Season at home—His inofficial Letter to Livingston on the Subjects of his Mission—Letter to Short on the Impropriety of long Diplomatic Tenures—Rules of Official Intercourse between President and Cabinet established—Letter to Monroe in respect to colonizing Insurgent Blacks of Virginia—Letters to Mrs. Eppes—Result of State Elections of 1801—Meeting of Congress—Distinguished Members—Organization—President discontinues Executive Speeches—The Days of State Ceremonials passed—President's first Annual Message—Its Mode of making Recommendations to Congress—Its Contents attacked by the Federalists—The published Strictures of Hamilton—His Positions and Manner of treating the President—His Eulogium on the Constitution which he accuses Jefferson of attacking—His private Denunciation of the Constitution within two months of same date—First Struggle of Parties in Congress on admitting Reporters—Breckenridge moves the Repeal of Judiciary Act of preceding Session—The Constitutional Power to repeal—President's Attitude on the Question—Opposition of the Federalists—Passage of the Bill—A second Judiciary Bill—The Census, and the Apportionment Bill—Military Peace Establishment—Diminution of Civil Officers and Reduction of Salaries—Internal Taxes abolished—The Naturalization Laws restored to their former Footing—Redemption of the Public Debt—Law to regulate Indian Trade and Intercourse—The general Change in the Spirit of the Government—The *Nolo Episcopari* of the President carried out—Randolph's Tribute on this subject—Sightless Cyclops in the ascendant, and Wise Ulysses grumbling among elderly Ladies and writing History.

It would perhaps be expected, in the ordinary course of biography, that having reached the period of Mr. Jefferson's own administration of our government, our narrative of public events, of Cabinet and Congressional affairs, and of the political history of the times generally, would become more minute than

heretofore. Such will not, however, be the case. In some particulars the scale of recital will be abridged—in others we shall cease to give any attention to classes of facts which have previously received much attention.

This change appears to us to be called for by circumstances which are intrinsic to the subject. We have been recording a great struggle of parties. To a clear understanding of it, it was necessary to develop the public and private professions, motives and conduct, of the principal actors. This development was due to historic truth and to individual character. The picture cannot be perfect where the central figures lack those accessories which explain the action. If Ajax rushes forth slaughtering, we should see, as the mark of his insanity, his sword falling upon beasts instead of the sons of Atreus. If Hercules fiercely plies his club, let us see the sprouting heads of Hydra. If Laocoön writhes, let the enveloping folds of the serpents explain the cause of his horror and his agony.

With Mr. Jefferson's accession to the Presidency, the great struggle of parties was substantially over, so far as the national theatre of action was concerned. Henceforth, the Federalists were but a local faction. For a few more years they were to retain the ability to make a prodigious clamor, and, on rare occasions, to embarrass the action of the Government; but resting under settled popular condemnation—not able in any exigency to elect either a President or a majority of Congress—they ceased to possess the responsibility or importance of a party a portion of the time in power, and the rest of the time seriously checking or influencing the action of their opponents. Individual opinions and proceedings also cease to be interesting, except occasionally to illustrate the spirit of the times, where they only represent totally irresponsible minorities.

The Republican party itself presents few points for curious and detailed investigation. It had no esoteric creed differing from its exoteric profession—no curious system of double meaning political nomenclature conveying one idea to the initiated and another to the multitude. It had no secret—no great hidden schemes—no important intestine intrigues—no personal cabals that controlled the course of public events.

The Administration no longer vibrated between hostile policies on the determination of a casting vote—it was no longer an

association where discordance of views, hate and treachery separated the head and the parts.

The Ship of State was no longer beating up against the deep fixed currents of popular sentiment—depending upon casual breezes to force her onward, and always meeting those currents in roar and in foam on her bows.

The President's Cabinet consisted of able, discreet men, firmly attached to their chief, and to remain united in the closest bonds of official harmony with each other so long as the paramount influence of that chief was felt in their deliberations.—To the period of Mr. Jefferson's retirement, there never was a contest in the Cabinet, never an opposition to his views after they became settled by consultation, never a thorn of continued opposition left rankling between any two members.

The Cabinet was not for a moment, or to the slightest degree, brought into an attitude of opposition, misunderstanding, or jealousy, with the Republican majority in Congress. The President was charged by the opposition with ruling Congress with such an absolute sway that he often omitted even to assign the reasons for the measures he directed. The charge was without foundation. But the majority concurred with him in sentiment, knew that he represented the political principles and spirit of their constituents, and they deferred to his opinions as prudent men of less experience always defer to the opinions of tried and great statesmen.

And the President concurred as closely with the American people as with their representatives. An immense majority of them sustained all his executive measures, idolized him as their political chief, and had no second leader who approached him in their affections.

To give public political results, is therefore to give nearly all of his political history which is of any great importance. We have no occasion to record cabinet or caucus consultations where all agreed. The public history of Congress includes all that is important in its private history. This leader's and that leader's individual opinions and actions need not be stated where they were alike and tended to a common result. It is not necessary elaborately to trace out the separate strands of historic narration, where they are found to be substantially the same in material and texture.

The first important point to be settled in President Jefferson's Administration was the manner of exercising the executive power of making official appointments and removals. As there had been no previous political change in the Administration, the question in political aspects was a new one. The incumbents were generally Federalists. We have already mentioned Mr. Jefferson's conversational remark that he found but one of the army officers, appointed by his predecessor, a Republican. The exclusion, in civil offices, had been nearly as rigorous. The later appointees had been not only Federalists, but in most instances of the most virulent class of partisans. Instances were not wanting where they had left other good positions to take these appointments after Mr. Jefferson's election was known. There appears to have been a prevailing idea (as we have shown existed in regard to cabinet appointments), that executive appointees virtually held on a good behavior tenure. To concede this and to leave all the public officers of the new government to wield their united official power and influence against it, would seem to involve a most absurd contradiction in the theory and practice of politics.

Mr. Jefferson's views of the circumstances and his conclusions are set forth very fully in a letter to Dr. Rush of March 24th, 1801. It embodies the substance of many other letters of the same period, and the determinations which were substantially carried into practice.

"With regard to appointments, I have so much confidence in the justice and good sense of the Federalists, that I have no doubt they will concur in the fairness of the position, that after they have been in the exclusive possession of all offices from the very first origin of party among us, to the 3d of March, at 9 o'clock in the night, no Republican ever admitted, and this doctrine newly avowed, it is now perfectly just that the Republicans should come in for the vacancies which may fall in, until something like an equilibrium in office be restored. But the great stumbling block will be removals, which though made on those just principles only on which my predecessor ought to have removed the same persons, will nevertheless be ascribed to removal on party principles. 1st. I will expunge the effects of Mr. A.'s indecent conduct, in crowding nominations after he knew they were not for himself, till 9 o'clock of the night, at 12 o'clock of which he was to go out of office. So far as they are during pleasure, I shall not consider the persons named, even as candidates for the office, nor pay the respect of notifying them that I consider what was done as a nullity. 2d. Some removals must be made for misconduct. One of these is of the marshal in your city, who being an officer of justice, intrusted with the function of choosing impartial judges for the trial of his fellow citizens, placed at the awful

tribunal of God and their country, selected judges who either avowed, or were known to him to be predetermined to condemn; and if the lives of the unfortunate persons were not cut short by the sword of the law, it was not for the want of *his* good-will. In another State I have to perform the same act of justice on the dearest connection of my dearest friend, for similar conduct, in a case not capital. The same practice of packing juries, and prosecuting their fellow citizens with the bitterness of party hatred, will probably involve several other marshals and attorneys. Out of this line I see but very few instances where past misconduct has been in a degree to call for notice. Of the thousands of officers therefore, in the United States, a very few individuals only, probably not twenty, will be removed; and these only for doing what they ought not to have done. Two or three instances indeed where Mr. A. removed men because they would not sign addresses etc., to him, will be rectified—the persons restored. The whole world will say this is just. I know that in stopping thus short in the career of removal, I shall give great offence to many of my friends. That torrent has been pressing me heavily, and will require all my force to bear up against it, but my maxim is *fat justitia ruat cælum*. After the first unfavorable impressions of doing too much in the opinion of some, and too little in that of others, shall be got over, I should hope a steady line of conciliation very practicable, and that, without yielding a single Republican principle."

As hinted in this letter, the President's moderate line of conduct did not meet the views of some of his supporters. They claimed that where equal qualifications could be found, rotation—a change of incumbents without official cause and solely on the ground that no one set of men are entitled to monopolize the offices and honors of a popular government—was more just than the opposite rule. They also truly averred that no man holding important office could, even if he made the effort, divest himself of an influence derived from his official position; and consequently, that if political struggles involve principles, to leave opponents in office is to give an advantage to principles of which we disapprove.

These theoretical truths, not carried far enough to lose sight of personal qualification or to sink politics into a mere scramble for place, are now generally recognized as sound. But Mr. Jefferson's course was unquestionably far more appropriate to the precise circumstances under which he acted. If the aim was to promote principles, it certainly was not expedient suddenly to establish a new rule for which public opinion was not prepared—which would be considered unjust and improper by the moderate men among the Republicans themselves—and which would confirm their opponents in the impression that they were as extreme, proscriptive and violent in their party action—



to sum it all up in a favorite phrase of the day, as "Jacobinical," as they had been represented.

The President, instead of overlooking the prosperity of the principles of his own side in the course he adopted, was really making a great and dexterous move to annihilate the opposition. His theory was, that the body of the people in both parties were essentially republicans—that the Federalists had been misled by chiefs who had concealed their secret aims and taken advantage of exciting circumstances, local and other prejudices, and class interests, to substitute fictitious issues for the real and the main one. His object was to break up this artificial connection—to separate the republican Federalists from their leaders. Such a separation had been visibly commenced by the recent election events. The popular body of the Federalists, who were not hemmed in by too many interests adverse to change, and were locally leavened by an admixture of Republican population, generally looked with deep disgust and dissatisfaction on the conduct of their leaders. It led them not only to believe they had given their confidence to indiscreet guides, but strongly to suspect that many of the latter really entertained the dangerous principles and designs imputed to them by their Republican adversaries. They were, therefore, in a frame of mind to look with favor on the new Administration.

Should that Administration take a moderate and prudent general course, and do nothing specially to alarm or offend the body of the Federalists, there was every probability they would become permanently embodied with the Republicans. This would obliterate those odious and dangerous party distinctions which rest on geographical or class interests, and substitute distinctions of principle. It would result not merely in establishing a vibrating ascendancy of Republican doctrines, but in giving it solidity and permanence. This was a great stake to play for. It could not be won if the Federalists were again driven together by proscription. It required a sacrifice which would not meet the views of some shorter-sighted friends. It would teach a band of sharp, keen, hungry political adventurers, who had fought the recent battle merely as official Outs against Ins, to silyly whisper henceforth to each other, "Our President lacks energy—it would have been otherwise had Burr succeeded."

But, stemming a fiercer tide of internal opposition than even he could have anticipated when he wrote Dr. Rush, the President determinedly persisted in his course. And he won the stake he played for.

He established a party which permanently fixed the character of our institutions and the destiny of our country; which might, after his day, break into fragments more or less democratic in their doctrines, but none of which would confess any sympathy with the ultra-Federalists. He banished from controlling positions in political life, or from political life altogether, every member of that imperious monarchical and half monarchical faction, which had hitherto done so much to shape the measures of our country—that is, those of them who did not abandon their earlier creeds, and openly join and profess the principles of the Republican party.

The President's course, however, in regard to official removals by no means satisfied or silenced the genuine Federalists. Their presses described him as a monster of proscription. Because President Washington had not removed his own appointees, and because President Adams had not removed the incumbents of his own party he found in office, Mr. Jefferson's course was pronounced as unprecedented as it was illiberal; and it was insisted that in every removal he made, except for good official cause (and that was admitted to exist in no instance), he, contrary to the spirit if not the letter of the law, violated an equitable right vested in the incumbent.

We will anticipate, by way of illustration, a case which attracted much notice in the summer of 1801. Among the appointments made by Mr. Adams after the result of the Presidential election was fully known—we think the day after Mr. Jefferson's actual election in the House—was that of Elizur Goodrich to the collectorship of New Haven. This gentleman was a member of Congress, a warm Federal partisan, and resigned the residue of his term for a snug, and what he and his friends seem to have anticipated would prove a permanent, place.

There is no reason to doubt he was well qualified for the office personally and discharged its duties satisfactorily. But he came within the class whose appointments Mr. Jefferson had determined to treat as a nullity; and there was a double reason for it seemingly in his case, because he had abandoned a high

elective office to forestall, as it were, a Republican appointment. He was removed, or rather his appointment was treated as a nullity; and Judge Samuel Bishop, of New Haven, was appointed collector.

Thereupon, Elias Shipman and others, acting as a committee of the merchants of the city, addressed the President one of those "memorials" which are not expected to produce any effect upon the action of the Executive, but which afford a convenient method to read a lecture to the Chief Magistrate and give the world a specimen of the argumentative powers, wit, etc., of ambitious individuals, whose lights are unfortunately under the bushel of private life. They complained that Bishop was unfitted for the place by his age; alluded to the President's avowal of toleration in his inaugural address; and lamented "that a change in the Administration must produce a change in the subordinate officers."

This proved an unlucky adventure for the party represented by the memorialists. It gave the President an opportunity to place his real grounds of action, in this and all other cases of removal, distinctly before the public, and to exhibit therefore, in marked contrast, his "toleration" and that of his Federal predecessor. The attack on the qualifications of Bishop was answered in a way that drew out a storm of deserved ridicule on the memorialists.<sup>1</sup> The last paragraph, after lamenting that the previous total exclusion of Republicans from office called for "prompter corrections" than the dying out or resignations of incumbents, closed with words which have been made abundantly familiar to all American ears: "I shall correct the procedure; but that done, return with joy to that state of things,

<sup>1</sup> Mr. Jefferson said: "He [Bishop] is said to be the town clerk, a justice of the peace, mayor of the city of New Haven, an office held at the will of the Legislature, chief judge of the Court of Common Pleas for New Haven county, a court of high criminal and civil jurisdiction, wherein most causes are decided without the right of appeal or review, and sole judge of the Court of Probates, wherein he singly decides all questions of wills, settlement of estates, testate and intestate, appoints guardians, settles their accounts, and in fact has under his jurisdiction and care all the property real and personal of persons dying. The two last offices, in the annual gift of the Legislature, were given to him in May last. Is it possible that the man to whom the Legislature of Connecticut has so recently committed trusts of such difficulty and magnitude, is 'unfit to be the Collector of the district of New Haven,' though acknowledged in the same writing to have obtained all this confidence 'by a long life of usefulness?' It is objected, indeed, in the remonstrance, that he is seventy-seven years of age; but at a much more advanced age, our Franklin was the ornament of human nature. He may not be able to perform in person all the details of his office, but if he gives us the benefit of his understanding, his integrity, his watchfulness, and takes care that all the details are well performed by himself or his necessary assistants, all public purposes will be answered."

when the only questions concerning a candidate shall be—Is he honest? Is he capable? Is he faithful to the Constitution?"<sup>1</sup>

As an evidence of the sincerity of the New Haven memorial, Mr. Jefferson mentioned in a previous letter to the Attorney General that the Federal majority in the Connecticut Legislature had, during the late session of that body, exhibited more intolerance than usual in excluding Republicans from office.

The general tone of the Federalists of that State towards the national Administration, and the extent to which their moderation and propriety plead for special "toleration," will further be conjectured from the fact that on the 7th of July, 1801, the following remarks were made in an oration before the Connecticut Society of Cincinnati, by a prominent Federal politician of that State, Mr. Theodore Dwight:

"We have now reached the consummation of Democratic blessedness. We have a country governed by blockheads and knaves; the ties of marriage, with all its felicities, are severed and destroyed; our wives and daughters are thrown into the stews; our children are cast into the world from the breast forgotten; filial piety is extinguished, and our surnames, the only mark of distinction among families, are abolished. Can the imagination paint anything more dreadful this side hell? Some parts of the subject are indeed fit only for horrid contemplation."<sup>2</sup>

And political tradition does not record that the assembled *elite* of Connecticut received this morceau from the future Secretary of the Hartford Convention with any indications of disrelish.

General Knox was one of the first of the former Federal leaders who handsomely signified their adhesion to the principles laid down in the President's inaugural address. Two or three paragraphs of the reply of the latter are interesting, not so much in themselves, as from the consideration to whom they are addressed. After repeating the same views in substance just expressed to Rush and some other correspondents, he takes occasion to say:

"I was always satisfied that the great body of those called Federalists were real republicans as well as Federalists. I know, indeed, there are Monarchists among

<sup>1</sup> The letter will be found entire in his Works, addressed to Elias Shipman, etc. July 12th, 1801.

<sup>2</sup> We have no authorized version of the speech before us. We have taken the extract from some forgotten Republican reply; but we suppose there is no reason to doubt its genuineness. We have emasculated it of sundry staring capitals, not knowing whether they thus appeared in the author's version of his speech.

us. One character of these is in theory only, and perfectly acquiescent in our form of government as it is, and not entertaining a thought of destroying it merely on their theoretical opinions. A second class, at the head of which is our quondam colleague,<sup>1</sup> are ardent for introduction of monarchy, eager for armies, making more noise for a great naval establishment than better patriots, who wish it on a rational scale only, commensurate to our wants and our means. This last class ought to be tolerated, but not trusted. Believing that (excepting the ardent Monarchists) all our citizens agreed in ancient Whig principles, I thought it advisable to define and declare them, and let them see the ground on which we could rally. . . . I mention these things that the grounds and extent of the removals may be understood, and may not disturb the tendency to union. Indeed that union is already effected, from New York southwardly, almost completely. In the New England States it will be slower than elsewhere, from particular circumstances better known to yourself than me. But we will go on attending with the utmost solicitude to their interests, doing them impartial justice, and I have no doubt they will in time do justice to us. I have opened myself frankly, because I wish to be understood by those who mean well, and are disposed to be just towards me, as you are, and because I know you will use it for good purposes only, and for none unfriendly to me."

We have the President's first and never afterwards altered attitude on the subject of appointing his own relatives to office, in a letter (March 27th) to George Jefferson, an intelligent and highly respectable kinsman, who had transacted much business for him, and greatly to his satisfaction :

"DEAR SIR :

"I have to acknowledge the receipt of yours of March 4th, and to express to you the delight with which I found the just, disinterested, and honorable point of view in which you saw the proposition it covered. The resolution you so properly approved had long been formed in my mind. The public will never be made to believe that an appointment of a relative is made on the ground of merit alone, uninfluenced by family views; nor can they ever see with approbation offices, the disposal of which they intrust to their Presidents for public purposes, divided out as family property. Mr. Adams degraded himself infinitely by his conduct on this subject, as General Washington had done himself the greatest honor. With two such examples to proceed by, I should be doubly inexcusable to err. It is true that this places the relations of the President in a worse situation than if he were a stranger, but the public good, which cannot be effected if its confidence be lost, requires this sacrifice. Perhaps, too, it is compensated by sharing in the public esteem. I could not be satisfied till I assured you of the increased esteem with which this transaction fills me for you. Accept my affectionate expressions of it."

On the 29th, Mr. Jefferson addressed a letter to the venerable Samuel Adams, couched in the warmest language of reverence and esteem. Indeed, some of the expressions would

<sup>1</sup> This of course refers to Hamilton.

seem to exceed the bounds of strict good taste, unless we should remember the grateful enthusiasm of the recent victor in addressing the Spartan-tempered patriarch of the Massachusetts democracy—unless we should remember that it was addressed to one a good deal the senior of the writer—unless we should remember it was addressed by one who had favors to bestow and none to ask, to a retired and superannuated old man.<sup>1</sup>

On the same day, he wrote Mr. Gerry urging him (under the form of telling him what he was destined to do) to take the lead of the New England Republicans. And he warily lashed the New England printers and clergy for their continued assaults on himself.

On the 1st of April the President set out for home, to make a short stay and complete his arrangements for a removal to Washington.

Nothing had occurred at Monticello very worthy of note since his previous visit. We will emulate the precision of the account-book by mentioning that his crop of tobacco for the preceding year, taking out overseers' shares, was, on his Monticello estate, 10,028 lbs.; on his Poplar Forest estate, 32,495 lbs. This was all the surplus agricultural produce of the year.

The house was still in progress, and the expenditure on it from March 4th, 1801, to March 4th, 1802, was precisely \$2,076 29.

TO MARIA JEFFERSON EPPES, BERMUDA HUNDRED.

MONTICELLO, April 11th, 1801.

MY DEAR MARIA:

I wrote to Mr. Eppes on the 8th inst. by post, to inform him I should on the 12th send off a messenger to the Hundred for the horses he may have bought for me. Davy Bowles will accordingly set out to-morrow, and will be the bearer of this. He leaves us all well and wanting nothing but your and Mr. Eppes' company to make us completely happy. Let me know by his return when you expect to be here, that I may accommodate to that my orders as to executing the interior work of the different parts of the house. John being at work under Lilly, Goliah is our gardener, and with his veteran aids will be directed to make what preparation he can for you. It is probable I shall come home myself about the last week of July or first of August, to stay two months during the sickly season in autumn every year. These terms I shall hope to pass with you here, and that either in spring or fall you will be able to pass some time with me in Washington. Had it been possible, I would have made a tour now on my return to see you. But I am tied to a

<sup>1</sup> Samuel Adams was born Sept. 27th, 1722. He was graduated at Harvard University three years before Mr. Jefferson was born.

day for my return to Washington to assemble our new Administration and begin our work systematically. I hope, when you come up, you will make very short stages, drive slow and safely, which may well be done if you do not permit yourselves to be hurried. Surely the sooner you come the better. The servants will be here under your commands, and such supplies as the house affords. Before that time our bacon will be here from Bedford. Continue to love me, my dear Maria, as affectionately as I do you. I have no object so near to my heart as yours and your sister's happiness. Present me affectionately to Mr. Eppes, and be assured yourself of my unchangeable and tenderest attachment to you.

TH. JEFFERSON.

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TO MARIA JEFFERSON EPPES, BERMUDA HUNDRED.

WASHINGTON, May 28, 1801.

An immense accumulation of business, my dear Maria, has prevented my writing to you since my arrival at this place. But it has not prevented my having you in my mind daily and hourly, and feeling much anxiety to hear from you, and to know that Mr. Eppes and yourself are in good health. I am in hopes you will not stay longer than harvest where you are, as the unhealthy season advances rapidly after that. Mr. and Mrs. Madison stayed with me about three weeks till they could get ready a house to receive them. This has given me an opportunity of making some acquaintance with the ladies here. We shall certainly have a very agreeable and worthy society. It would make them as well as myself very happy could I always have yourself or your sister here. But this desire, however deeply felt by me, must give way to the private concerns of Mr. Eppes. I count that in autumn both yourself with your sister, with Mr. Eppes and Mr. Randolph, will pass some time with me. But this shall be arranged at Monticello, where I shall be about the end of July or beginning of August. Ask the favor of Mr. Eppes to inform me as soon as he can learn himself, the age and blood of the several horses he was so kind as to purchase for me. Present him my affectionate attachment, as also to the family at Eppington, when you have an opportunity. Remember that our letters are to be answered immediately on their receipt, by which means we shall mutually hear from each other about every three weeks. Accept assurances of my constant and tender love.

TH. JEFFERSON.

The horses here mentioned were four for the President's carriage, and to fall back into the vein of precision, they cost sixteen hundred dollars; and at present prices would fetch twice that sum. Mr. Eppes's taste in horse flesh was exquisite; and when Joseph Daugherty the coachman drew his reins over the four flashing bays, finer ones it was conceded were never seen on "Pennsylvania Avenue." But Joseph enjoyed that luxury rather rarely. Mr. Jefferson, though about as partial to and about as particular concerning the qualities and pedigrees of his

horses as thirty years earlier,<sup>1</sup> could not get over his preference for the saddle—and perhaps a little aversion to the parade of a state coach. Accordingly the noble Wildair (the saddle horse which Mr. Davis says he saw Mr. Jefferson dismount from and “hitch to the palisades” when he went to be inaugurated) was in daily requisition, while Joseph Daugherty’s charge had little to do when there was not company at the “White House” ready to give them employment. The phaeton or the one horse chair were also usually employed on journeys home.

Mr. Jefferson left Monticello on the 26th of April, and reached Washington three days afterward. Not long after his return, he dispatched Commodore Dale with three frigates and a sloop of war (four of the six national vessels retained in commission) to the Mediterranean, to check and if need be punish the aggressions of the Barbary Powers. This expedition was fitted out under the eye and direction of General Samuel Smith, the acting but uncommissioned Secretary of the Navy.

The late Administration had expended not far from two millions of dollars in presents to these pirates. In this it had but followed the degrading custom of the first European powers; but it had not procured immunity from insult, and from increased demands. When Bainbridge carried out the annual tribute towards the close of 1800, the Dey of Algiers, having the *George Washington* under the guns of the castle, literally compelled the American commander to carry an Ambassador and some pre-

<sup>1</sup> Perhaps we may already have mentioned that through life he liked to witness a good race. His inquiry about pedigrees was characteristic. No genuine son of any of “the old thirteen” south of the Potomac ever carried his ideas of “Republican equality” into horse-flesh! Nathaniel Macon was the austere of advocates for public economy and simplicity. A late President of the United States informed us that while in office he and several members of his Cabinet paid a visit to the North Carolina patriarch. He was quartered on one of his plantations, in half a dozen log houses, one of which served for kitchen, another for dining room, and so on. Fine linen, old wine, silver and cut glass however profusely abounded. The first day wore off briskly. Early the next morning the President and his secretaries were invited to a horseback ride over the grounds. When they stepped out to mount, our informant was struck with dismay. There stood a dozen grooms stripping the requisite number of race horses—whose fiery eyes, dilated nostrils, impatient champing, and light sinewy forms, apparently capable of mounting into the air, augured anything but a quiet morning’s airing to sedate middle aged gentleman who had never ridden a steeple-chase or made experiments in flying. Macon insisted the well broke blood horse was as kind as he was spirited, and all took a parting look of the ground and mounted. The animals vindicated their master’s eulogium, and no accidents occurred. As they swept along in the exhilarating morning air, with the sensation of being poised on aerial springs, the patriarch “held forth” on his horses. One was an “Archy,” another a “Wildair,” another something else; but each had a pedigree as long and aristocratic as a German baron of sixteen quarterings. Their exploits and their ancestors’ exploits were proudly recounted. Each in his opinion was worth a plantation. Mr. Macon’s amused guests were “almost persuaded” before their return, to turn horse amateurs!



sents to his superior the Sultan at Constantinople. Bainbridge improved his situation to ingratiate himself with the Capudan Pasha, and on his return carried a firman which would protect him from further insults ; but his blood boiled with the indignity which he and his country had received.

The Bashaw of Tripoli, Jussuf Caramalli, finding he had not secured quite as favorable terms from the United States as Algiers, began on some shabby pretences or rather on the open avowal that he had not been bribed highly enough, to threaten war—that is to say an unrestrained piracy and a seizure of Americans for slavery or ransom—unless within six months he should receive a satisfactory present in money.

Mr. Jefferson, we have had occasion to see, had always been in favor of putting an end to the miserable system of buying precarious and unreliable peace at a far greater ultimate cost than that of war ; and had his propositions, when minister to France, been carried out, the Barbary dens of piracy would not have been left a half century longer to make, in every land of Christendom, the kinsmen of those who went “down to the sea in ships,” tremble at the mention of the corsair flag. The President was now in a posture to act on his early ideas ; and Dale, though he bore an amicable message to the Bashaw, was instructed to act promptly on the offensive, if it should be demanded by the rights or dignity of his country. He sailed from Hampton Roads with the following vessels : the *President*, 44, Captain J. Barron ; *Philadelphia*, 38, Captain S. Barron ; *Essex*, 32, Captain Bainbridge, and *Enterprise*, 12, Lieutenant-commandant Sterrett..

In answering a congratulatory address of the foreign born residents of Beaver county, Pennsylvania (May 2d), the President thus disclosed his ideas of the proper and just policy of our Government towards this class of citizens :

“Born in other countries, yet believing you could be happy in this, our laws acknowledge, as they should do, your right to join us in society, conforming, as I doubt not you will do, to our established rules. That these rules shall be as equal as prudential considerations will admit, will certainly be the aim of our legislatures, general and particular. To unequal privileges among members of the same society the spirit of our nation is, with one accord, adverse. If the unexampled state of the world has in any instance occasioned among us temporary departures from the system of equal rule, the restoration of tranquillity will doubtless produce reconsideration ; and your own knowledge of the liberal conduct heretofore observed towards strangers settling among us will warrant the belief that what is right will be done.”

He wrote Gideon Granger, May 3d, exchanging congratulations on the result of the recent election in Rhode Island, which had given the Republicans both the Congressional delegates and the General Assembly. He expressed the hope that it was the beginning of "the resurrection of the genuine spirit of New England," and predicted that Vermont would follow next "be cause least, after Rhode Island, under the yoke of hierocracy."

On the 14th of May, in answer to inquiries from Mr. Macon, the President declared the following as established points and maxims of his Administration :

"Levees are done away.<sup>1</sup>

"The first communication to the next Congress will be, like all subsequent ones, by message, to which no answer will be expected.

"The diplomatic establishment in Europe will be reduced to three ministers.

"The compensations to collectors depends on you [Congress], and not on me.

"The army is undergoing a chaste reformation.

"The navy will be reduced to the legal establishment by the last of this month.

"Agencies in every department will be revised.

"We shall push you to the uttermost in economizing.

"A very early recommendation had been given to the Postmaster General to

<sup>1</sup> Among Mr. Jefferson's papers was found one indorsed in his handwriting: "This rough paper contains what was agreed upon"—meaning, undoubtedly, what was agreed upon by the President and his Cabinet:

#### "ETIQUETTE.

"I. In order to bring the members of society together in the first instance, the custom of the country has established that residents shall pay the first visit to strangers, and, among strangers, first comers to later comers, foreign and domestic; the character of stranger ceasing after the first visit. To this rule there is a single exception. Foreign ministers, from the necessity of making themselves known, pay the first visit to the ministers of the nation, which is returned.

"II. When brought together in society, all are perfectly equal, whether foreign or domestic, titled or untitled, in or out of office.

"All other observances are but exemplifications of these two principles.

"1. 1st. The families of foreign ministers, arriving at the seat of government, receive the first visit from those of the national ministers, as from all other residents.

"2d. Members of the Legislature and of the Judiciary, independent of their offices, have a right as strangers to receive the first visit.

"II. 1st. No title being admitted here, those of foreigners give no precedence.

"2d. Difference of grade among the diplomatic members, gives no precedence.

"3d. At public ceremonies, to which the government invites the presence of foreign ministers and their families, a convenient seat or station will be provided for them, with any other strangers invited and the families of the national ministers, each taking place as they arrive, and without any precedence.

"4th. To maintain the principle of equality, or of *pêle mêle*, and prevent the growth of precedence out of courtesy, the members of the Executive will practice at their own houses, and recommend an adherence to the ancient usage of the country, of gentlemen in mass giving precedence to the ladies in mass, in passing from one apartment where they are assembled into another."

The President had two public days for the reception of company, the first of January and the fourth of July—when his doors were thrown open to all who chose to enter them. At other times, all who chose were permitted to call upon him on business or as a matter of courtesy.

employ no printer, foreigner, or revolutionary tory in any of his offices. This department is still untouched.

"The arrival of Mr. Gallatin yesterday, completed the organization of our Administration."

A circumstance is remembered, attending the abolition of levees, which provokes a smile. Some persons in Washington, principally ladies we believe, had come to the conclusion that the abolition was inexpedient; and they made up their minds to muster in force at the Presidential Mansion at the usual time. They accordingly did so. The President was out riding on horseback, but soon returned. Learning the extraordinary number of ladies that had called, and at once guessing the motive of the visit, he went immediately, hat in hand, spurs on, and soiled with dust, into their midst. He expressed himself overjoyed at such a happy coincidence. Never had he been seen so cordial or attentive. He allowed no one to go without urging her longer stay. The fair visitors finally departed, laughing heartily at each other and the result of their experiment. They never repeated it.

On the 11th of July, he settled the etiquette of correspondence between the General Government and the Governors of States, by adopting "the practice in General Washington's Administration," which he thought "most friendly to business, and was absolutely equal"—namely, that the President, or heads of departments, should indiscriminately write to Governors. He thought, if a letter was on a general subject, there was no reason why the President might not write; but if it went into details, only known to the head of the department, it was better that he should write directly. He thought if each party neglected etiquette, convenience would dictate the proper course.

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TO MARIA JEFFERSON EPPES, BERMUDA HUNDRED.

WASHINGTON, June 24, 1801.

MY DEAR MARIA:

According to contract, immediately on the receipt of Mr. Eppes's letter of the 12th, I wrote him mine of the 17th; and having this moment received yours of June 18th, I hasten to reply to that also. I am very anxious you should hasten your departure for Monticello, but go a snail's pace when you set out. I shall certainly be with you the last week of July or first week of August. I have a letter from your sister this morning. All are well. They have had all their windows

almost, broken by a hail-storm, and are unable to procure glass, so that they are living almost out of doors. The whole neighborhood suffered equally. Two skylights at Monticello, which had been left uncovered, were entirely broken up. No other windows there were broke. I give reason to expect that both yourself and your sister will come here in the fall. I hope it myself, and our society here is anxious for it. I promise them that one of you will hereafter pass the spring here, and the other the fall; saving your consent to it. All this must be arranged when we meet. I am here interrupted, so, with my affectionate regards to the family at Eppington, and Mr. Eppea, and tenderest love to yourself, I must bid you adieu.

TH. JEFFERSON.

### TO MARIA JEFFERSON EPPER.

WASHINGTON, July 16th, 1801.

MY DEAR MARIA:

I received yesterday Mr. Eppea's letter of the 12th, informing me that you had got safely to Eppington, and would set out to-morrow at furthest for Monticello. This letter therefore, will, I hope, find you there. I now write to Mr. Craven to furnish you all the supplies of the table which his farm affords. Mr. Lilly<sup>1</sup> had before received orders to do the same. Liquors have been forwarded and have arrived with some loss. I insist that you command and use everything as if I were with you, and shall be very uneasy if you do not. A supply of groceries has been lying here some time waiting for a conveyance. It will probably be three weeks from this time before they can be at Monticello. In the meantime, take what is wanting from any of the stores with which I deal, on my account. I have recommended to your sister to send at once for Mrs. Marks.<sup>2</sup> Remus and my chair, with Phill as usual, can go for her. I shall join you between the second and seventh—more probably not till the seventh. Mr. and Mrs. Madison leave this about a week hence. I am looking forward with great impatience to the moment when we can all be joined at Monticello, and hope we shall never again know so long a separation. I recommend to your sister to go over at once to Monticello, which I hope she will do. It will be safer for her and more comfortable for both. Present me affectionately to Mr. Eppea, and be assured of my constant and tenderest love.

TH. JEFFERSON.

A remark in one of the preceding letters, reminds us to say that Mr. Jefferson's correspondence with his oldest daughter, Mrs. Randolph, was as uninterrupted as ever. But we have not the letters to her of this period.

Washington at this time was considered quite unhealthy, even for acclimated Virginians, for something upwards of two

<sup>1</sup> Overseer at Monticello.

<sup>2</sup> A sister of Mr. Jefferson, whose husband had sunk into limited circumstances. She resided in the lower or unhealthy country. For a period of more than thirty years, Mr. Jefferson annually sent for her in the unhealthy season, and she passed three months or more at Monticello.

months of autumn. Mr. Jefferson wrote Attorney General Lincoln (who had already gone north), July 11th :

"Mr. Madison has had a slight bilious attack. I am advising him to get off by the middle of this month. We who have stronger constitutions shall stay to the end of it. But during August and September, we also must take refuge in climates rendered safer by our habits and confidence. The post will be so arranged as that letters will go hence to Monticello, and the answers return here in a week."

The President set out for home on the 30th.

He wrote the Attorney-General, August 26th, noticing the vehement and personal attacks kept up on him by the New England printers and clergy, conjecturing that it was in part designed to "provoke him to make a general sweep of all Federalists out of office." He said :

"Appearances of schismatizing from us have been entirely done away. I own I expected it [the removals] would check the current with which the republican Federalists were returning to their brethren, the Republicans. I extremely lamented this effect ; for the moment which should convince me that a healing of the nation into one is impracticable, would be the last moment of my wishing to remain where I am. (Of the monarchical Federalists I have no expectations. They are incurables, to be taken care of in a madhouse, if necessary, and on motives of charity.) I am much pleased, therefore, with your information that the republican Federalists are still coming into the desired union."

On the 9th of September, he wrote an unofficial letter to Chancellor Livingston, on the point of departing for France, to express his individual views, and those he believed to be most generally adopted in the United States, in regard to the very important question then agitating Europe, whether free ships should make free goods ; and which was not broached in the Minister's formal instructions, because the government did not consider it expedient to take an attitude on the question which might involve us in a European war. It did not, in other words, consider the establishment of the doctrine worth a war at that time. Mr. Jefferson considered the right of taking the goods of an enemy from the ship of a friend, to be the law of nations as established in practice, and the contrary doctrine but the exception founded on compact—though he regarded the last as the principle really dictated by the law of nature, and by national morality. He thought that inasmuch as it was admittedly wrong to enter the territory of a friend to seize the goods of an

enemy, the same rule ought to apply to ships ; because, he said, the particular portion of the ocean " which happened to be occupied by the vessel of any nation, in the course of its voyage, was, for the moment, the exclusive property of that nation, and, with the vessel, was exempt from intrusion by any other, and from its jurisdiction, as much as if it were lying in the harbor of its sovereign"—and "no nation ever pretended a right to govern by their laws the ship of another nation navigating the ocean." This conflicting with the practice of seizing what was contraband of war, he asserted that such seizure was "an abusive practice, not founded in natural right." He said the "doctrine that the rights of nations remaining quietly in the exercise of moral and social duties, are to give way to the convenience of those who prefer plundering and murdering one another, was a monstrous doctrine." He considered the distinction of contraband fictitious, and that all things or none that may aid and comfort an enemy in any degree were contraband. He thought, therefore, that neutrals had a right to proceed without molestation, or any inquiry as to their cargoes. He said this did not contravene the right of blockade, because the space between the blockading vessels was either the property of their enemy or it was common property, assumed and possessed for the moment, which a neutral could no more intrude upon than upon a line of battle in the open sea, or upon lines of circumvallation on land, because he thereby intruded into the lawful possession of a friend.

This sounds very fair ; but the subject presents grave difficulties. An argument which leads to the conclusion that nothing shall be regarded as contraband, has for its practical corollary, that one nation, while assuming to be a neutral, and while retaining all the immunities of a neutral, may really interfere in the most effective way between belligerents, by carrying warlike munitions.

The following extracts from a letter from the President to Mr. Short (October 3d), give his views on the propriety of continuing the same individuals in diplomatic positions for a long period of years. The letter becomes more interesting when we consider how far its contents personally affected the individual addressed, and that this individual was the early student, secre

tary, and particular friend of the writer, and enjoyed his fullest confidence both on the score of integrity and capacity :

DEAR SIR,—

I trusted to Mr. Dawson to give you a full explanation, verbally, on a subject which I find he has but slightly mentioned to you. I shall therefore now do it. When I returned from France, after an absence of six or seven years, I was astonished at the change which I found had taken place in the United States in that time. No more like the same people; their notions, their habits and manners, the course of their commerce, so totally changed, that I, who stood in those of 1784, found myself not at all qualified to speak their sentiments, or forward their views in 1790. Very soon, therefore, after entering on the office of Secretary of State, I recommended to General Washington to establish, as a rule of practice, that no person should be continued on foreign mission beyond an absence of six, seven, or eight years. He approved it. On the only subsequent missions which took place in my time, the persons appointed were notified that they could not be continued beyond that period. All returned within it except Humphreys. His term was not quite out when General Washington went out of office. The succeeding Administration had no rule for anything; so he continued. Immediately on my coming to the Administration, I wrote to him myself, reminded him of the rule I had communicated to him on his departure; that he had then been absent about eleven years, and consequently must return. On this ground solely he was superseded. Under these circumstances, your appointment was impossible after an absence of seventeen years. Under any others, I should never fail to give to yourself and the world proofs of my friendship for you, and of my confidence in you. Whenever you shall return, you will be sensible in a greater, of what I was in a smaller degree, of the change in this nation from what it was when we both left it in 1784. We return like foreigners, and, like them, require a considerable residence here to become Americanized.

There is no point in which an American, long absent from his country, wanders so widely from its sentiments as on the subject of its foreign affairs. We have a perfect horror at everything like connecting ourselves with the politics of Europe. It would indeed be advantageous to us to have neutral rights established on a broad ground; but no dependence can be placed in any European coalition for that. They have so many other by-interests of greater weight, that some one or other will always be bought off. To be entangled with them would be a much greater evil than a temporary acquiescence in the false principles which have prevailed. Peace is our most important interest, and a recovery from debt. We feel ourselves strong, and daily growing stronger. The census just now concluded, shows we have added to our population a third of what it was ten years ago. This will be a duplication in twenty-three or twenty-four years. If we can delay but for a few years the necessity of vindicating the laws of nature on the ocean, we shall be the more sure of doing it with effect. The day is within my time as well as yours, when we may say by what laws other nations shall treat us on the sea. And we will say it. In the mean time, we wish to let every treaty we have drop off without renewal. We call in our diplomatic missions, barely keeping up those to the most important nations. There is a strong disposition in our countrymen to discontinue even these; and very

possibly it may be done. Consuls will be continued as usual. The interest which European nations feel, as well as ourselves, in the mutual patronage of commercial intercourse, is a sufficient stimulus on both sides to insure that patronage. A treaty contrary to that interest, renders war necessary to get rid of it.

The President addressed a private circular to the heads of departments on the 6th of November, in which he "recommended" a restoration of the rules of official intercourse between the President and his Cabinet, practised during General Washington's Administration; namely, that when letters of business were addressed to the President, he should refer them to the proper department to be acted on—if they were addressed to one of the Secretaries, and required no answer, they should be communicated to the President for information; if an answer was required, the Secretary should communicate the letter and his proposed answer, which the President would return without comment, signifying approval, or suggest alterations, or reserve for conference. He thus sketched the fruits of these rules during the first Administration, and of contrary ones during the second:

By this means, he [General Washington] was always in accurate possession of all facts and proceedings in every part of the Union, and to whatsoever department they related; he formed a central point for the different branches; preserved an unity of object and action among them; exercised that participation in the suggestion of affairs which his office made incumbent on him; and met himself the due responsibility for whatever was done. During Mr. Adams's Administration, his long and habitual absences from the seat of government rendered this kind of communication impracticable, removed him from any share in the transaction of affairs, and parcelled out the government, in fact, among four independent heads, drawing sometimes in opposite directions.

On the 20th of November, the President replied to a complimentary address of the House of Representatives of Vermont, expressing his approbation of their views, and "joining [them] in addressing Him whose kingdom ruleth over all, to direct the administration of their affairs to their own greatest good."

On the 24th, he replied to a letter from Governor Monroe, covering a resolution of the Virginia Legislature on the subject of finding and purchasing a place for the deportation of those colored persons who had been engaged in conspiracy and insurgency in 1800. He pointed out the obvious considerations which would prevent such a colony from being planted "within our limits" to "become a part of our Union"—and the reasons likely



to deter the British Provinces on the north,' the Spanish ones on the south and west, from being willing to receive them. In the case of Spain, even if the Government would acquiesce in the arrangement, and the Indian possessors sell the requisite amount of land, he started the following very notable objection :

"The same question to ourselves would recur here also, as did in the first case : should we be willing to have such a colony in contact with us? However our present interests may restrain us within our own limits, it is impossible not to look forward to distant times, when our rapid multiplication will expand itself beyond those limits, and cover the whole northern, if not the southern continent, with a people speaking the same language, governed in similar forms, and by similar laws ; nor can we contemplate with satisfaction either blot or mixture on that surface."

After declaring that on whatever place the constituted authorities of Virginia fixed their attention, he would have the dispositions of its government sounded, he added :

"The West Indies offer a more probable and practicable retreat for them. Inhabited already by a people of their own race and color ; climates congenial with their natural constitution ; insulated from the other descriptions of men ; nature seems to have formed these islands to become the receptacle of the blacks transplanted into this hemisphere. Whether we could obtain from the European sovereigns of those islands leave to send thither the persons under consideration, I cannot say ; but I think it more probable than the former propositions, because of their being already inhabited more or less by the same race. The most promising portion of them is the island of St Domingo, where the blacks are established into a sovereignty *de facto*, and have organized themselves under regular laws and government. I should conjecture that their present ruler might be willing, on many considerations, to receive over that description which would be exiled for acts deemed criminal by us, but meritorious, perhaps, by him. The possibility that these exiles might stimulate and conduct vindictive or predatory descents on our coasts, and facilitate concert with their brethren remaining here, looks to a state of things between that island and us not probable on a contemplation of our relative strength, and of the disproportion daily growing ; and it is outweighed by the humanity of the measures proposed, and the advantages of disembarassing ourselves of such dangerous characters. Africa would offer a last and undoubted resort, if all others more desirable should fail us."

To the Reverend Isaac Story, who had inclosed him some speculations on the subject of a transmigration of souls from one body to another, the President wrote, December 5th :

"The laws of nature have withheld from us the means of physical knowledge of the country of spirits, and revelation has, for reasons unknown to us, chosen to

<sup>1</sup> He doubted too whether the race of blacks would continue to exist long in so rigorous a climate.

leave us in the dark as we were. When I was young, I was fond of the speculations which seemed to promise some insight into that hidden country; but observing at length that they left me in the same ignorance in which they had found me, I have for very many years ceased to read or think concerning them, and have reposed my head on that pillow of ignorance which a benevolent Creator has made so soft for us, knowing how much we should be forced to use it. I have thought it better, by nourishing the good passions and controlling the bad, to merit an inheritance in a state of being of which I can know so little, and to trust for the future to Him who has been so good for the past."

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TO MARIA JEFFERSON EPPES, MONTICELLO.

WASHINGTON, Oct. 26, 1801.

MY EVER DEAR MARIA:

I have heard nothing of you since Mr. Eppes's letter, dated the day sennight after I left home. The Milton mail will be here to-morrow morning, when I shall hope to receive something. In the meantime this letter must go hence this evening. I trust it will still find you at Monticello, and that possibly Mr. Eppes may have concluded to take a journey to Bedford, and still farther prolonged your stay. I am anxious to hear from you, lest you should have suffered in the same way now as on a former similar occasion. Should anything of that kind take place, and the remedy which succeeded before fail now, I know nobody to whom I would so soon apply as Mrs. Suddarth. A little experience is worth a great deal of reading, and she has had great experience, and a sound judgment to observe on it. I shall be glad to hear at the same time that the little boy is well. If Mr. Eppes undertakes what I have proposed to him at Pantops and Poplar Forest the next year, I should think it indispensable that he should make Monticello his headquarters. You can be furnished with all plantation articles for the family from Mr. Craven, who will be glad to pay his rent in that way. It would be a great satisfaction to me to find you fixed there in April. Perhaps it might induce me to take flying trips by stealth, to have the enjoyment of family society for a few days undisturbed. Nothing can repay me the loss of that society, the only one founded in affection and bosom confidence. I have here company enough, part of which is very friendly, part well enough disposed, part secretly hostile, and a constant succession of strangers. But this only serves to get rid of life, not to enjoy it; it is in the love of one's family only that heartfelt happiness is known. I feel it when we are all together and alone beyond what can be imagined. Present me affectionately to Mr. Eppes, Mr. Randolph, and my dear Martha, and be assured yourself of my tenderest love.

TH. JEFFERSON.

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TO MARIA JEFFERSON EPPES, EPPINGTON.

WASHINGTON, Dec. 14, 1801.

MY DEAR MARIA:

I received in due time yours and Mr. Eppes's letters of Nov. 6, and his of Nov. 26. This last informed me you would stay at Eppington two or three weeks. Having had occasion to write during that time to Mr. F. Eppes without knowing at

the moment that you were there, you would of course know that I am well. This, with the unceasing press of business, has prevented my writing to you. Presuming this will still find you at Eppington, I direct it to Colesville. Mr. Eppes's letter having informed me that little Francis<sup>1</sup> was still in the height of his whooping-cough and that you had had a sore breast, I am very anxious to hear from you. The family at Edgehill have got out of all danger. Ellen and Cornelia have been in most imminent danger. I hear of no death at Monticello except old Tom Shackleford. My stonemasons have done scarcely anything there. Congress is just setting in on business. We have a very commanding majority in the House of Representatives, and a safe majority in the Senate. I believe, therefore, all things will go on smoothly, except a little ill-temper, to be expected from the minority, who are bitterly mortified. I hope there is a letter on the road informing me how you all are. I perceive that it will be merely accidental when I can steal a moment to write to you; however, that is of no consequence, my health being always so firm as to leave you without doubt on that subject. But it is not so with yourself and little one. I shall not be easy, therefore, if either yourself or Mr. Eppes do not, once a week or fortnight, write the three words "all are well." That you may be so now, and so continue, is the subject of my perpetual anxiety. as my affections are constantly brooding over you. Heaven bless you, my dear daughter. Present me affectionately to Mr. Eppes and my friends at Eppington if you are there.

TH. JEFFERSON.

P.S.—After signing my name, I was called to receive Dr. Walker, who delivers me a letter from Mr. Eppes, informing me of your state on the 7th instant, which is not calculated to remove anxiety.

\* Congress was to meet on the 7th of December. The Republicans were greatly in the ascendancy in that body. They had made large accessions in the middle States, and had carried those of the South and West almost in a body. In Virginia, for example, but a single opposition member had been elected.

The State elections of 1801 extended the victory of the same party still further. Two New England States went over to them, and the others were wavering. Out of New England not a governor nor a legislature was left to the Federalists, except in Delaware. In several of the great States, they were reduced to such hopeless insignificance, that their opponents no longer noticed them as a separate political organization; and they had ample time, and were not long in finding the inclination, to split into hostile factions among themselves. These, however, confined their quarrels to State questions. So far as the administration of the General Government was concerned, it was too prosperous and powerful—too much connected with the warm

<sup>1</sup> Francis Eppes, now of Tallahassee, Florida.

affections of the people—to be assailed by any faction claiming to be Republican. On the contrary, where these divisions took place, each side usually made a merit of being warmer friends of the President than their antagonists.

Congress convened at the appointed time. Among the most distinguished former Republican senators, yet remaining, were S. T. Mason and W. C. Nicholas of Virginia, and Baldwin of Georgia; of new members, John Breckenridge of Kentucky, Governor James Jackson of Georgia, General Thomas Sumpter and John E. Calhoun of South Carolina, General John Armstrong of New York, and George Logan of Pennsylvania.

As the latter, of French mission memory, stood up on the 21st day of December and “affirmed,” according to the manner of his sect, to support the Constitution, we doubt whether any high principled man in the Senate failed to rejoice in the vindication both of principle and personal motives which his appearance there presented. It was the type of a new government era.

Armstrong of New York soon resigned, and De Witt Clinton was appointed his successor, February 9th, 1802. In the latter, emerged on the national horizon an intellectual luminary of the first magnitude. He was to remain there, however, but for a short period, preferring to make his native State the scene of his principal efforts and of his fame.

The most distinguished opposition senators were old members. They were Gouverneur Morris of New York, Tracy and Hillhouse of Connecticut, Dayton of New Jersey, Mason of Massachusetts, and, perhaps we should add, Ross of Pennsylvania.

Some of the most prominent Administration members in the House of Representatives were Macon of North Carolina; Giles, Randolph, Clopton and Cabell of Virginia; Varnum and Eustis of Massachusetts; Smith and Nicholson of Maryland; Leib, Gregg and Smilie of Pennsylvania; Dr. Mitchell (celebrated in the scientific world), Van Ness and Van Cortlandt of New York; and Milledge of Georgia. Virginia had lost a most capable and sound representative in the removal of John Nicholas to Geneva in the State of New York. Among the prominent Federal members were Bayard of Delaware; Griswold, Dana, Goddard, and John Cotton Smith of Connecticut; Van Renss-

laer of New York ; Rutledge, Lowndes and Huger of South Carolina ; Dennis of Maryland ; and Stanley of North Carolina. In both houses the superiority of talent was decidedly on the side of the Administration.

Mr. Macon was chosen speaker over Bayard ; and Beckley, the former Republican incumbent, ejected by the Federalists, was chosen clerk, by fifty-three votes to twenty-six for the opposition candidates.

The President did not, according to the previous custom, open Congress with a formal speech ; but transmitted a written message to the president of the Senate (December 8th) with the following communication :

"Sir,—The circumstances under which we find ourselves at this place rendering inconvenient the mode heretofore practised of making, by personal address, the first communications between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure, founded on these motives, will meet their approbation, I beg leave through you, sir, to communicate the inclosed copy with the documents accompanying it, to the honorable the Senate, and pray you to accept for yourself and them, the homage of my high regard and consideration."

Thus the pageant of the "King's speech" as it had been called—the stately cavalcade attending the President to the capital, and in due time the procession of Congress back to the President with their "addresses," were forever swept away. The levees and some other ceremonials borrowed from the customs of England were already gone. The days of state ceremonials had passed.

The Republicans rejoiced in this as if some substantive particles of royalty had been obliterated. The Federalists mourned as if important props of social and civil order had been torn away. Both probably attached undue consequence to the subject. Such forms are only important as they indicate national feeling. Both sides should have known that a little tinsel and parade could neither make nor guide the great currents of national sentiment ; and that the shadow would necessarily conform to the substance. The same political and social traditions

which for ages had taught that the many were made to be controlled by the few—that powdered wigs and gold buckles, if they did not prove intelligence and wisdom in the individual, indicated it in the class, had also taught that pomp and pageantry were necessary to impress the popular mind and command the popular reverence. But when this whole system fell, what was either the further use or the further danger of its trappings? They could not restore *ancien régime*, nor could they control unwigged and unpowdered democracy. They had lost their appropriateness, their signification, their motive; and they required no violent effort for their displacement. They had fallen of themselves, and were as foreign to the new order of things, as are the fancifully ornamented costumes of ancestors found in old wardrobes—which were brave and becoming in their day, but which would provoke unbounded merriment from the spectators if worn now.

The forms abolished by Jefferson in 1801, were natural products of the transition state from monarchy to democracy. Our political ideas were English. We could not change them instantly, nor perhaps was it expedient. That political growth is safest and most permanent which proceeds with moderation—which is the result of reflection rather than of suddenly roused impulses—which feels its way and tests its structures before risking all on them. The example of another people rushing headlong and without preparation into diametrically opposite systems from its actual ones, was before the eyes of the American people, and it did not solicit imitation. Under no circumstances could our population have then imitated the excesses of Republican France. Ethnical effects must have ethnical causes. We had not for ages been trampled on and brutalized by an all-pervading oppression, as licentious as it was selfish and savage; and it did not need that the existing social and political fabric be exterminated, to permit a healthy civilization to commence on its ruins. The idea that our simple and virtuous forefathers were in danger of following the example of Parisian mobs, was the chimera of a party which could not break away from English ideas, of (to borrow an expressive cant phrase of our times) the “old foggyism” of the eighteenth century. Still, everywhere, and under all circumstances, “hasten slowly” is a wise maxim in changing the ancient institutions of society.

The stately ceremonials of Washington's Administration were appropriate to the times. And we confess that they seem to us not unbefitting the man. This was our heroic epoch—the half mythical epoch of nation-founders. We cannot like the ancients translate the latter to demigods. But it seems to us very harmless that they should drift down the tide of tradition, associated in the national memory with scenic accompaniments which in the distance appear grand and high. We never expect to see Washington painted on the canvas in pantaloons and a round hat. We should as soon think of quarrelling with the costume as with the manners of the first Presidency. But let us return to our interrupted narrative.

President Jefferson's first annual message commenced with an expression of his "sincere gratification" that he was enabled to announce "on grounds of reasonable certainty" that peace was restored to "sister nations;" and he declared that "whilst we devoutly returned thanks to the beneficent Being who had been pleased to breathe into them the spirit of conciliation and forgiveness, we were bound with peculiar gratitude, to be thankful to Him that our own peace had been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth, and to practise and improve those arts which tended to increase our comforts."

He mentioned that a spirit of amity prevailed among our Indian neighbors, and that they seemed making an advance in the arts and ideas of civilization.

He said but "one exception" existed to our friendly foreign relations, and we will give the passage as a continuation of the history of Commodore Dale's expedition to the Mediterranean :

"To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded, and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprise*, commanded by Lieutenant Sterrett, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter.

ter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element, will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not its destruction.<sup>1</sup> Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with its adversaries. I communicate all material information on this subject, that in the exercise of the important function confided by the Constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight."

The President called attention to the new census, and congratulated Congress on the rapid increase of our population, "not with a view to the injuries it may enable us to do to others at some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplications of men susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price."

He recommended the abolition of all internal taxes, including the postage on newspapers, "to facilitate the progress of information." He thought the revenues arising from imposts would be sufficient to support Government, pay the interest on the public debts, and discharge the principal sooner than the laws or public expectation had contemplated, unless war or other untoward events should change the existing aspect of things.

But he stated that this idea of a reduction of burdens was based on the expectation that a sensible and salutary retrenchment would take place in habitual expenditures in the civil government, and in the army and navy. He thought civil officers had been multiplied unnecessarily, and "sometimes even injuriously to the service they were intended to promote." He promised to lay a list of the superfluous ones before Congress. He had begun, he said, the reduction of those he considered unnecessary, which were dependent on executive discretion, among which were a portion of the diplomatic service, inspectors of internal revenue, and various agencies created by Executive authority. He promised, if Congress

<sup>1</sup> This phrase gave much diversion to the wits, and especially to Colonel Burr.



should see fit to pass the roll of public offices "in review, and try all of its parts by the test of public utility, they might be assured of every aid and light which Executive information could yield."

He recommended new barriers against the dissipation of the public money, by appropriating only specific sums to specific purposes; by disallowing claims varying from the appropriation in object or transcending it in amount; by "reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money;" by bringing back to a single department all accountabilities for money.

On the subject of a reduction of the army, and the reliance of the country in case of invasion, the Message contained the following paragraph:

"A statement has been formed by the Secretary of War, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading foe, it is best to rely, not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are sufficiently perfect. Nor should we now at any time separate, until we can say we have done everything for the militia which we would do were an enemy at our door."

In regard to the Navy, he thought a small force would probably continue to be wanted in the Mediterranean. He recommended that appropriations, beyond that object, be employed in providing articles which could be kept without waste or consumption, and be in readiness when any exigence called for their use.

He suggested that there was some doubt whether the authority given by Congress for procuring and establishing sites for naval purposes had been perfectly understood. He had suspended or slackened the expenditures, to enable Con-

gress to determine whether as many navy yards were necessary as had been contemplated. He had permitted that at Washington to go on, and had directed the frigates ordered laid up to be laid up there, that they might be under the eye of the Executive and legislature.

In regard to the fortification of harbors, considerations of great difficulty had presented themselves. While some of those fortifications were on a scale sufficiently proportioned "to the advantages of their position, to the efficacy of their protection, and the importance of the points within it," others were so extensive, and it would cost so much to construct and subsequently to garrison them, that it became questionable what was best now to be done. He made no specific recommendation on the subject.

The next paragraph is as follows :

"Agriculture, manufactures, commerce and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved otherwise than by time is a subject of important consideration."

He said the judiciary system of the United States, "and especially that portion of it recently erected," would, of course, present itself to the contemplation of Congress; and to enable them to judge "of the proportion which the institution bore to the business it had to perform," he had caused an exact statement to be procured of all the causes decided or depending in the court up to the period when the additional ones were created; and he laid this before Congress.

He suggested whether the institution of juries had been sufficiently extended in the United States courts, in cases involving the security of persons and property; and whether the impartial selection of the present ones was sufficiently secured in those States where they were named by a marshal depending on Executive will, or designated by the courts, or by officers dependent upon them.

He thus spoke of the naturalization laws passed during Mr.

Adams's Administration, which prescribed a residence of fourteen years before an alien could obtain the rights of citizenship :

"I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these States, and still believed of consequence to their prosperity. And shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers, arriving in this land? Shall oppressed humanity find no asylum on this globe? The Constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a *bona fide* purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag—an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it."

The message, brief compared with those of the present day, closed with a promise to carry the judgment of the legislature into faithful execution—with an indirect exhortation to temperate discussion and conciliation—and with the expression of a firm conviction that the American people would cordially concur in efforts which had for their object "to preserve the General and State Governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property; and to reduce expenses to what is necessary for the useful purposes of government."

This message, it will be observed, suggests topics of action—general measures—but does not abound in specific recommendations. The same feature marks all his subsequent messages. He does not appear to have thought that the duty enjoined by the Constitution to recommend to the consideration of Congress "such measures as he should judge necessary and expedient," extended to the details of bills, and his opinions of the latter, if expressed, were unofficially expressed. The message is certainly modest towards the representatives of the people;<sup>1</sup> but, on the

<sup>1</sup> His indirect exhortation to "prudence and temperance of discussion" has always, we confess, however, seemed to us out of taste. It would be difficult to say why

other hand, it makes no *ad captandum* appeals to popular sentiment, and none of the apprehended official abnegations to coördinate branches of the Government.

The Federal press attacked the message with great severity. General Hamilton, though smarting under a peculiarly painful domestic bereavement, felt himself called upon to resume his pen, and in eighteen numbers, called "the Examination," and signed Lucius Crassus<sup>1</sup> (continuing from December 17th to April 8th) he manifested the same prodigality of sarcasms, of insulting imputations, and of rancorous invective, that distinguished his attacks on Mr. Jefferson ten years earlier, when they were members of the same Cabinet.

As examples of the ultra-Federal feeling—of the feelings of those who yet adhered to that party—these papers are to be regarded as more authoritative than the bulk of the fugitive and casual newspaper criticisms of the day. They will, therefore, be taken as such examples, in getting at the party history of the period. But our notice of them will be slight, and without particular aim at connection.

Lucius Crassus began with a sneer at the President's transmitting a message instead of delivering a speech to Congress. Then followed the habitual sneer at democratic theories. "It," (the message) says this writer, "conforms, as far as would be tolerated at this early stage of our progress in political perfection, to the bewitching tenets of that illuminated doctrine which promises man, ere long, an emancipation from the burdens and restraints of government; giving a foretaste of that pure felicity which the apostles of this doctrine have predicted." After a long argument (some of the grounds of which are very strongly taken) to prove the impropriety of the position that though Tripoli had declared and made war, yet there was not power, for the want of the sanction of Congress, to treat her cruisers and crews as if taken in war, Lucius Crassus adds: "Who could restrain the laugh of derision at positions so preposterous, were it not for the reflection that, in the first magistrate of our country, they cast a blemish on our national character?"

The second article is devoted to the President's proposal to

such a recommendation can with more propriety be directed by the Executive to Congress, than from the latter body to the Executive. Indeed, looking at the thing apart from custom, the last would strike us as by far the most appropriate.

<sup>1</sup> See Hamilton's Works, vol. vii., pp. 744-835.

abolish internal taxes, and ascribes that proposal to "a deficiency of intellect, and to an ignorance of our financial arrangements greater than could have been suspected;" or to "the culpable desire of gaining or securing popularity at an immediate expense of public utility, equivalent, on a pecuniary scale, to a million of dollars annually." Two more articles look at the further effects of such abolition, and abound in further flings at the President's capacity and good faith.

The fifth and sixth articles are devoted to the President's remarks on the judiciary system. Lucius Crassus is in doubt whether they are to be attributed to "the rage for change," "deep-rooted animosity against the former Administrations," or "for the sake of gaining popular favor by a profuse display of extraordinary zeal for economy." The furnishing of the number of cases hitherto decided and depending in the Supreme Court as a criterion of the necessity of the new judiciary act, is pronounced "no bad thermometer of the capacity of our Chief Magistrate for government," and such an allowance of weight to "secondary" rather than to "primary considerations," a sure "symptom of a pigmy mind." After closing his argument, the writer exclaims: "Delectable indeed must be the work of disorganization to a mind which can thus rashly advance in its prosecution! Infatuated must that people be who do not open their eyes to projects so intemperate—so mischievous! Who does not see what is the ultimate object? *Delenda est Carthago*. Ill-fated Constitution, which Americans fondly hoped would continue for ages, the guardian of public liberty, the source of national prosperity."

The seventh and eighth articles are devoted "to the next most exceptionable feature in the message," the views expressed in regard to naturalization. Jefferson's Notes on Virginia are quoted for opposite sentiments. It is intimated that if gratitude can excuse inconsistency in "the man of the people," there is a plea for the President—as "it is certain that had the late election been decided entirely by native citizens," he would not have been elected. The article closes with a warning appeal against a precipitate communication of the privileges of citizenship to foreigners.<sup>1</sup> It states that a foreigner wields the sceptre

<sup>1</sup> The article, if we properly understand it, would seem to assume throughout that the President had recommended the abolition of all preliminary conditions of naturalization except present residence.

of France, having "erected a despotism on the ruins of her former government." It states that a foreigner "rules the councils of our own ill-fated, unhappy country," and "stimulates persecution on the heads of its citizens for daring to maintain an opinion, and for daring to exercise the right of suffrage." "Where," exclaims Lucius Crassus, "the indignant spirit which, in defence of principle, hazarded a revolution to attain that independence now insidiously attacked?"

Who the foreigner is, here pointed to as ruling our councils, we are at a loss to determine. It might be the Secretary of the Treasury—but it would be something new to have Gallatin accused of either controlling the Administration or playing the part of a persecutor on so extensive a scale. In respect to citizenship, he certainly emigrated to the United States somewhat later than the author of the articles under examination.<sup>1</sup>

Having disposed of the leading points of the message, Lucius Crassus said:

"This is more than the moderate opponents of Mr. Jefferson's elevation ever feared from his Administration; much more than the most wrong headed of his own sect dared to hope; infinitely more than any one who had read the fair professions of his inaugural speech could have suspected. Reflecting men must be dismayed at the prospect before us. If such rapid strides have been hazarded in the very gristle of his Administration, what may be expected when it shall arrive at manhood? In vain was the collected wisdom of America convened at Philadelphia. In vain were the anxious labors of a Washington bestowed. Their works are regarded as nothing better than empty bubbles, destined to be blown away by the mere breath of a disciple of Turgot, of a pupil of Condorcet."

The writer proceeded into details, showing that the President was actually right in nothing. His statement of an "undue multiplication of offices and officers was substantially a misrepresentation." The diminution of the diplomatic service was an egregious error. The recommendation to "multiply barriers against the dissipation of the public money by appropriating specific sums to every specific purpose, susceptible of definition," etc., gave "additional proof of a deliberate design in the present Chief Magistrate to arraign the former Administrations." That recommendation "insinuated" a departure from correct

<sup>1</sup> President John Adams, in giving his reasons for his disinclination to appoint Hamilton a major-general in 1798, mentioned, among others, that he was a *foreigner*, and that, "he believed, he had not resided longer, at least not much longer, in North America than Albert Gallatin."

plans heretofore—it was “intended” to convey “censure.” “Such were the endless blessings to be expected from the notable schemes of a philosophic *projector*.” Strict to a fault where relaxation was necessary; lax to a vice where strictness was essential!” The author then returned to the subject of the judiciary, and devoted to it most of his remaining numbers. He closed by saying that “the credit of great abilities was allowed him [the President] by a considerable portion of those who disapproved his principles; but the short space of nine months has been amply sufficient to dispel that illusion; and even some of his most partial votaries begin to suspect that they had been mistaken in the object of their idolatry.”

Lucius Crassus's pathetic apostrophe to the “ill fated Constitution, which Americans fondly hoped would continue for ages, the guardian of public liberty, the source of national prosperity,” was dated January, 1802.\* On the 27th of February, 1802, General Hamilton wrote to Gouverneur Morris:

“Mine is an odd destiny. Perhaps no man in the United States has sacrificed or done more for the present Constitution than myself; and, contrary to all my anticipations of its fate, as you know from the very beginning. I am still laboring to prop the frail and worthless fabric. Yet I have the murmurs of its friends no less than the curses of its foes for my reward. What can I do better than withdraw from the scene? Every day proves to me more and more, this American world was not made for me.”

The first struggle of parties in Congress under President Jefferson's Administration, was on a topic which presented them in purely characterical attitudes. Newspaper reporters had hitherto been admitted to the floor of the House solely at the will of the Speaker. They were not considered privileged to represent the proceedings with any of that independence which custom has since allowed. The Speaker had expelled two merely for reporting speeches (in one case his own) too literally. In the Senate they had only been allowed a place in the upper gallery, amidst the hum of spectators, and where, at best, distance would prevent them from hearing much that was said on the floor. By nearly party votes both houses now gave reporters seats on their floors, on the same tenure they have since held them. The Federalists in the Senate made ineffectual attempts

\* Italics by Lucius Crassus.

\* See Hamilton's Works, vol. vii. p. 766-771.

to secure a preliminary provision, requiring them to give bonds, with two sufficient sureties, for "good conduct;" and failing in this, voted unanimously against their admission.

The important business of the session was opened by Breckenridge's moving (January 6th) in the Senate to repeal the Judiciary Act of last session. On the 8th, he led off in an able speech, demonstrating the uselessness and impropriety of making such a great and expensive addition to the judiciary, when it was not even colorably demanded by the business before the federal courts, and at a period, indeed, when that business was, owing to several circumstances, actually on the decline.

We have seen that Jefferson specially lamented the passage of this bill, from the "difficulty of undoing what was done," where appointments "in the nature of freehold" had been conferred. He had, however, joined with the Republicans generally in the ultimate conclusion, that the "difficulty" was not made insuperable by the Constitution; and that as much as mere apparent encroachments on vested rights are to be avoided, and especially as much as all respectable men should shun making judiciary establishments the creatures of partisan legislation, still the repeal of this peculiarly obnoxious act was imperatively called for by the most important public interests. It was the Federalists who had covered a purely party design—one avowed to be such in their private correspondences—in the passage of this law. Totally defeated before the people, they had employed the last moments of their power in establishing a partisan "engine of government," which was out of the reach of elective remedies, and which would enable them through the lives of one set of judges at least, to embarrass, retard, and often defeat, not merely special measures of the other and elective branches of the government, but the whole system of constitutional exposition, which the American people had, as an independent and self-governing nation, deliberately adopted. It would be a remarkable idea, that a party trick, aiming at such results, could be covered up by any forms which rendered it inviolable—that a constitution could be overthrown under the pretence of guarding the letter of its inviolability!

But waiving the intentions of the men whose votes passed the Judiciary Act—assuming even that the bill was a good one—no principle is now better established than that legislatures



may under precisely analogous constitutional conditions, repeal judiciary structures and legislate judges out of office, where the object is, in good faith, to repeal, and not to get rid of or exchange incumbents. The idea that a judicial tenure is so inviolable that if once created it arrests the power of an independent nation in anywise to alter or amend (unless by addition) one of the great departments of its civil organization, belongs to the legal superstitions of a past age—though considerate men will ever approach changes involving the violation of such tenures with a caution and dread which no partisan motives, nothing short of permanent and paramount considerations of public expediency, can possibly overcome.

Professor Tucker conjectures, from some expressions used in a letter from Mr. Jefferson to Mr. Dickinson, of December 19th, that he did not *then* contemplate a repeal of the Judiciary Act.<sup>1</sup> This would seem to imply that he considered the repeal unconstitutional, after his party had broken ground in Congress; and that he changed afterwards, or yielded his scruples to party expediency. If this hypothesis is correct, why, before writing Dickinson, had the President, after calling the attention of Congress to the reduction of useless offices, especially calling the attention of that body to the subject in connection with the "recently erected" portion of the judiciary (and for the avowed purpose of enabling it "to judge of the proportion which the institution bore to the business it had to perform,") procured and laid before it "an exact statement of all the cases decided since the first establishment of the courts?" This unquestionably proves, that much as Mr. Jefferson dreaded to attack even what he termed "a fraudulent use of the Constitution," he had made up his mind to that course, and had suggested, and thereby in effect recommended it to Congress.<sup>2</sup> Whatever of praise or of censure attaches to the repeal, he is fully responsible for striking the first official blow in that direction.

<sup>1</sup> He said in this letter :

"My great anxiety at present is, to avail ourselves of our ascendancy to establish good principles, and good practices : to fortify republicanism behind as many barriers as possible, that the outworks may give time to rally and save the citadel should that be again in danger. On their part, they have retired into the judiciary as a stronghold. There the remains of Federalism are to be preserved and fed from the Treasury, and from that battery all the works of republicanism are to be beaten down and erased. By a fraudulent use of the Constitution, which has made judges irremovable, they have multiplied useless judges merely to strengthen their phalanx."

<sup>2</sup> We could furnish several other equally decisive proofs, were it necessary. (See Jefferson to Rush, Dec. 20th, in Congress edition.) The letter was not published when Professor Tucker wrote.

The repeal was resisted to desperation by the Federalists, led in the Senate by Morris, and in the House by Bayard. Both of these gentlemen exhibited great parliamentary ability and perseverance. Vice-President Burr coquetted with the Federalists,<sup>1</sup> but had not the power if he had the will effectually to aid them.<sup>2</sup> The bill passed the Senate, February 3d (1802), by one majority; and the House, March 3d, by a vote of fifty-nine to thirty-two.

A bill was subsequently passed (April 29th) reducing the terms of the Supreme Court to one each year, at Washington, which might be holden by four of the justices. Six circuits were established, in which courts were to be held twice each year, by one of the justices of the Supreme Court and the district judge. It contained various provisions not important to be detailed here.

A new apportionment bill, based on the census of 1800, passed January 14th. The aggregate population of the United States had been found to be 5,305,925. The ratio of Congressional representation was fixed at one member for 33,000. This, by the constitutional rule of computation in reference to States, would make the House of Representatives consist of one hundred and forty-one members, and they were distributed among the States as follows: to the State of New Hampshire, five; Massachusetts, seventeen; Vermont, four; Rhode Island, two; Connecticut, seven; New York, seventeen; New Jersey, six; Pennsylvania, eighteen; Delaware, one; Maryland, nine; Virginia, twenty-two; North Carolina, twelve; South Carolina, eight; Georgia, four; Kentucky, six; Tennessee, three.

An act fixing the military Peace Establishment of the United States, provided that after the first of June following it should consist of one artillery and two infantry regiments, comprising, in all, not far from three thousand men, under the command of one brigadier-general. The appropriation for the navy was very moderate, only sufficient to keep the present force in complete equipment, to provide for the continuance of hostilities with Tripoli, and to make some limited additions to the materials for the large ships in the progress of construction.

<sup>1</sup> See Hamilton to Morris, March 4, 1802; same to same, April 6th; Bayard to Hamilton, April 12th; Hamilton to King, June 3d—all in 6th vol. of Hamilton's Works. See also Morris to R. R. Livingston, March 29th. Morris's Works, vol. III., p. 166.

<sup>2</sup> Burr had no doubts on the constitutionality of the repeal, but some of its "*equity and expediency*!" (See Burr to Allston, Feb. 2d. Davis's Memoirs of Burr, vol. II., p. 171.)

A diminution of officers and a vigorous system of retrenchment were extended through all the civil departments. The salaries of collectors, naval officers, surveyors, etc., were placed at fixed and reasonable limits.

The internal taxes on stills, and on domestic distilled spirits, refined sugars, licenses to retailers, sales at auction, carriages for the conveyance of persons, stamped vellum, parchment, paper, etc., were abolished after the first of June; and the army of officers employed in their collection discontinued. These taxes, which had caused so much excitement, and even an "insurrection," yielded a revenue of scarcely a million of dollars, and about four tenths of it had been consumed in the expenses of collection!

The naturalization laws were restored to their former footing—reducing the term of necessary previous residence in the United States from fourteen to five years, and requiring but a three years previous oath of intention. This bill passed by nearly a party vote, though Morris of New York, and Ross of Pennsylvania, representing large foreign born constituencies, voted for it in the Senate.

A law was passed, making provision for the redemption of the whole of the public debt of the United States; and (on the suggestions of Gallatin) greatly simplifying the Treasury arrangements necessary to that end.

A law passed "to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," which contained many humane and stringent provisions for the protection of the rights and interests of that people.

Other enactments of great utility were made. The important recommendations of the President's message were generally carried out, and this was done in a spirit of moderation and wisdom, to which it is impossible to award too much praise. The transition of the government from the substance and spirit of what it was when Federalism was at its full height, in 1798, and 1799 (before that spirit was dampened by the approaching elections of 1800), and what it was at the adjournment of Congress, in the spring of 1802, was almost as great as if the former had been demolished by revolution, and an entirely new structure, differing in cardinal features, erected on its ruins. That this should have been accomplished without revolutionary and de-

structive legislation—without partisan retaliations—nay, with arms held open to the vanquished, and the constant proffer of receiving them into the Republican ranks on friendly and equal terms—is one of the most important spectacles, if not lessons of history. Never was better proof whether the doctrines and fruits of democracy are necessarily those of licentious disorganization and anarchical violence.

The voluntary renunciation of patronage by the Executive is a feature which solicits particular attention. John Randolph, after subsequent years of bitter hostility to the President, said, in a public speech (in 1828):

“Sir, I have never seen but one Administration, which, seriously and in good faith, was disposed to give up its patronage, and was willing to go farther than Congress, or even the people themselves, so far as Congress represents their feelings, desired; and that was the first Administration of Thomas Jefferson. He, sir, was the only man I knew, or ever heard of, who really, truly, and honestly, not only said ‘*nolo episcopari*,’ but actually refused the mitre.”

Yet do we find that the bands of civil government were weakened by the abolition of the army of officials which took place? Has it ever been complained that the laws were more feebly executed, or the restraints of order weakened? Was there a multiplication of murmurs against needful restraints, of insurrections, and State trials? Were any vested rights infringed, any public obligations repudiated, any portion of the character of the federal Government, in reference to either internal or external affairs, disgraced? In a word, was there a particular where the true and solid interests of society suffered by the inauguration of a system which relieved it of such a mountain of governmental burdens?

General Hamilton compared the American people to the Cyclopean monster, who fed on human beings, and who was deprived of his sight, while asleep, by the wise Ulysses.<sup>1</sup>

Sightless Cyclops was now in the ascendant and wise Ulysses fled! The “freed negro” experiment of Ames was on full trial in the substance as well as the form! A half a century has rolled away, and Cyclops still rules, and the experiment still

<sup>1</sup> Hamilton’s already quoted letter to King, June 3d, 1802, where, it will be recollected, he quotes the 658th line of the 3d book of the *Æneid*, omitting the two first words, and applies it to our people.

goes on! Wise Ulysses is an old man who seldom ventures into the haunts of men. He is banished from the legislative hall—and rarely sets his feeble foot in the mart. But he grumbles among elderly ladies, and writes books of "History," pouring out his hate as openly as he dares on his overthrowers, and telling the world how much better it would have been had he been allowed to think and act for it!

END OF VOL II.













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